

Firearms Bill 2024

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Defined terms

Western Australia

LEGISLATIVE ASSEMBLY

Firearms Bill 2024

A Bill for

An Act —

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

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Firearms Act 2024*.

2. Commencement

This Act comes into operation as follows —

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

3. Act binds Crown

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

4. Principles and objects

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

- 1 (b) the possession and use of firearms is a privilege that is
2 always conditional on the overriding need to ensure
3 public safety;
- 4 (c) public safety can be ensured by strict controls to secure
5 the safe and responsible possession and use of firearms
6 in the community.
- 7 (2) The objects of this Act are as follows —
- 8 (a) to improve public safety by ensuring the safe and
9 responsible possession and use of firearms;
- 10 (b) to specify the purposes for which a person can be
11 authorised to possess or use a firearm;
- 12 (c) to minimise the risk of persons becoming victims of
13 crimes that involve the use of firearms;
- 14 (d) to prevent persons from having access to firearms for
15 criminal purposes;
- 16 (e) to prevent access to firearms by persons who pose a risk
17 of violence or misuse of firearms;
- 18 (f) to minimise the risk of persons causing harm, including
19 psychological harm, to themselves or others by the
20 misuse of firearms;
- 21 (g) to reduce the number of firearms unlawfully possessed
22 in the community;
- 23 (h) to facilitate a nationally consistent approach to the
24 control of firearms.
- 25 (3) Persons performing functions in or in connection with the
26 administration of this Act (including when constituting, or as a
27 member of, a court or tribunal) must have due regard to the
28 principles and objects of this Act.

29 **5. Terms used**

30 In this Act —

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

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- 1 **ammunition** —
- 2 (a) means ammunition for a firearm; and
- 3 (b) includes the following —
- 4 (i) anything made, modified or intended for use as
- 5 ammunition for a firearm;
- 6 (ii) blank ammunition;
- 7 (iii) any other thing prescribed by the regulations;
- 8 but
- 9 (c) does not include any of the following —
- 10 (i) ammunition incapable of being fired, including
- 11 an inert cartridge, a dummy round, and a drill
- 12 round that does not contain a primer or
- 13 propellant;
- 14 (ii) a prescribed paintball pellet;
- 15 (iii) any other thing prescribed by the regulations;
- 16 **approval** means an approval by the Commissioner under a
- 17 provision of this Act;
- 18 **approved** means approved by the Commissioner;
- 19 **approved firearms trainer** means a person who is approved by
- 20 the Commissioner under section 24 to provide firearms training;
- 21 **authorised person**, for a licence, means a person who is an
- 22 authorised person for the licence as referred to in section 23(2);
- 23 **calibre**, of a firearm, means —
- 24 (a) the size of the bore of the firearm; and
- 25 (b) the name of the calibre of the ammunition for which the
- 26 firearm is chambered;
- 27 **category**, of a firearm, has the meaning given in section 8(3);
- 28 **Commissioner** means the person holding or acting in the office
- 29 of Commissioner of Police under the *Police Act 1892*;
- 30 **deal in** means to acquire and supply in the course of a business;

- 1 **Department** means the department of the Public Service
2 principally assisting in the administration of this Act;
- 3 **disqualified person** has the meaning given in section 9(1);
- 4 **disqualifying offence** means an offence that is —
- 5 (a) a serious offence as defined in the *Criminal*
6 *Investigation Act 2006* section 128(1); or
- 7 (b) an offence under the law of another Australian
8 jurisdiction that substantially corresponds to an offence
9 referred to paragraph (a); or
- 10 (c) an offence under this Act that is prescribed by the
11 regulations as a disqualifying offence; or
- 12 (d) an offence under the *Weapons Act 1999* that is
13 prescribed by the regulations as a disqualifying offence;
14 or
- 15 (e) an offence under *The Criminal Code* that is prescribed
16 by the regulations as a disqualifying offence; or
- 17 (f) an offence under the *Misuse of Drugs Act 1981* that is
18 prescribed by the regulations as a disqualifying offence;
- 19 **disqualifying order** means an order that is —
- 20 (a) a violence restraining order, family violence restraining
21 order or conduct agreement order made under the
22 *Restraining Orders Act 1997*; or
- 23 (b) an order (however described) made under a
24 corresponding law (as defined in the *Restraining Orders*
25 *Act 1997* section 3(1)) having an effect that is the same
26 as or similar to the effect of an order referred to in
27 paragraph (a); or
- 28 (c) an order of a kind that is prescribed by the regulations as
29 a disqualifying order;
- 30 **disseminate**, in relation to firearm technology, has the meaning
31 given in section 282;
- 32 **finding of guilt** has the meaning given in section 11;

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1 *fire*, in relation to a firearm, includes discharge;
2 *firearm* has the meaning given in section 6;
3 *firearm authority* means a licence, permit or approval;
4 *firearm authority health standards* means standards of mental
5 or physical health that are prescribed by the regulations as
6 health standards that a person must meet to be considered a fit
7 and proper person to hold a firearm authority;
8 *firearms prohibition order* has the meaning given in
9 section 315(1);
10 *firearms training* means training and instruction in —
11 (a) the safe handling and safe use of firearms; or
12 (b) the proficient use of firearms;
13 *firearm technology* has the meaning given in section 282;
14 *give possession*, of a thing to a person, includes permit the
15 person to take possession of or be in possession of the thing;
16 *Government entity* has the meaning given in section 101;
17 *handgun* means a firearm that —
18 (a) is reasonably capable of being concealed about the
19 person; and
20 (b) can be aimed and fired from 1 hand;
21 *immediate possession* has the meaning given in section 13;
22 *information* includes documents;
23 *interim disqualified person* has the meaning given in
24 section 9(2);
25 *licence* means a licence under Part 2;
26 *licence card* has the meaning given in section 204;
27 *licensed firearm club* means the body corporate that is the
28 licensee under a Club Licence;
29 *licensed firearm range* means a firearm range to which a Range
30 Licence applies;
31 *major firearm part* has the meaning given in section 14(1);

- 1 ***member of a disqualifying organisation*** has the meaning given
2 in section 10(1);
- 3 ***occupier***, in relation to land, means a person in exclusive
4 possession or entitled to exclusive possession of the land;
- 5 ***officer***, in relation to a body corporate, has the meaning given in
6 the *Corporations Act 2001* (Commonwealth) section 9;
- 7 ***paintball*** means a shooting sport in which players attempt to hit
8 other players with paintball pellets fired from paintball guns;
- 9 ***paintball gun*** means a firearm that is made or modified to fire
10 paintball pellets;
- 11 ***paintball pellet*** means a pellet that is —
- 12 (a) made or modified to be fired from a firearm; and
- 13 (b) designed to break on impact with the target at which it is
14 fired for the purpose of marking the target with dye or a
15 similar substance that the pellet contains;
- 16 ***permit*** means a permit under Part 3;
- 17 ***place*** has the meaning given in the *Criminal Investigation*
18 *Act 2006* section 3(1);
- 19 ***possession*** has the meaning given in section 12;
- 20 ***possession in compliant storage*** has the meaning given in
21 section 183(1);
- 22 ***prescribed paintball gun*** means a paintball gun that complies
23 with the requirements of the regulations for a prescribed
24 paintball gun;
- 25 ***prescribed paintball pellet*** means a paintball pellet that
26 complies with the requirements of the regulations for a
27 prescribed paintball pellet;
- 28 ***prohibited accessory*** means any of the following —
- 29 (a) a sound suppressor;
- 30 (b) a device commonly known as a bump stock, being a
31 stock that is made or modified to allow a self-loading

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- 1 firearm to fire more rapidly than is possible with
2 trigger-finger manipulation alone;
- 3 (c) a device commonly known as a folding stock, being a
4 stock with a mechanism that allows the stock to be
5 folded to reduce the overall length of a firearm;
- 6 (d) a device commonly known as a detachable stock, being
7 a stock that when removed from a firearm allows the
8 firearm to remain capable of being fired;
- 9 (e) a device, commonly known as a chassis carbine kit, that
10 alters a firearm in such a way that the category of the
11 firearm without the chassis carbine kit fitted is different
12 from the category of the firearm with the chassis carbine
13 kit fitted;
- 14 (f) any other thing that is capable of being fitted to or used
15 in conjunction with a firearm and that is prescribed by
16 the regulations as a prohibited accessory;

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

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

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

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

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

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

- 29 (a) a major firearm part;
30 (b) ammunition;
31 (c) a prohibited accessory;

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

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

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

8 **sound suppressor** —

9 (a) means a device that is made or modified to be fitted to a
10 firearm to reduce the loudness of the report that results
11 from the firearm being fired; and

12 (b) includes a device commonly known as a silencer;

13 **supply** —

14 (a) means supply by sale or gift; and

15 (b) includes offer to supply;

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

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

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

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

23 **6. Firearms**

24 (1) A **firearm** is a device that is made, modified or capable of being
25 modified to fire or propel a projectile by means of —

26 (a) the burning of a propellant; or

27 (b) expansion of compressed air or other compressed gas; or

28 (c) any other method of propulsion that is prescribed by the
29 regulations.

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

27 **7. Use of firearm**

- 28 (1) A person *uses a firearm* when the person —
29 (a) fires the firearm; or
30 (b) has the firearm in their immediate possession when the
31 firearm is loaded.

1 (2) Without limiting what constitutes a firearm being loaded, a
2 firearm is considered to be loaded when any magazine that is
3 part of or fitted to the firearm contains ammunition.

4 **8. Firearm categories**

5 (1) The regulations must provide for the following categories of
6 firearms and specify firearms that are in each category —

- 7 (a) category A;
- 8 (b) category B;
- 9 (c) category C;
- 10 (d) category D;
- 11 (e) category E;
- 12 (f) category H.

13 (2) The regulations may provide for other categories of firearms
14 and specify firearms that are in those other categories.

15 (3) The *category* of a firearm is the category that the firearm is in
16 under the regulations.

17 (4) If a firearm is not in any category, the firearm is taken to have
18 been prescribed by the regulations as a prohibited firearm unless
19 the regulations provide otherwise.

20 (5) Subsection (4) does not prevent —

- 21 (a) a firearm that is in a category from being prescribed by
22 the regulations as a prohibited firearm; or
- 23 (b) all the firearms in a specified category from being
24 prescribed by the regulations as prohibited firearms.

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

26 (1) A person is a *disqualified person* —

- 27 (a) when the person is the subject of a disqualifying order;
- 28 or

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- 1 (b) during the disqualifying period prescribed by the
2 regulations as the disqualifying period for a
3 disqualifying order; or
- 4 (c) when the person has been charged with a disqualifying
5 offence and proceedings for the offence are pending
6 against the person; or
- 7 (d) during the period prescribed by the regulations as the
8 disqualifying period for a disqualifying offence for
9 which a finding of guilt has been made against the
10 person; or
- 11 (e) when the person is a member of a disqualifying
12 organisation; or
- 13 (f) during the period prescribed by the regulations as the
14 disqualifying period for membership of a disqualifying
15 organisation.
- 16 (2) A person is an *interim disqualified person* if the person is a
17 disqualified person solely as a result of being —
- 18 (a) the subject of a disqualifying order that is of a temporary
19 or interim nature only; or
- 20 (b) a person against whom proceedings for a disqualifying
21 offence are pending.
- 22 (3) Proceedings for an offence cease to be pending against a person
23 when —
- 24 (a) a finding of guilt is made in the proceedings; or
- 25 (b) the proceedings are concluded (including as a result of
26 the acquittal of the person) other than as a result of a
27 finding of guilt.
- 28 (4) A disqualifying period for a disqualifying order or disqualifying
29 offence can be prescribed to apply in respect of —
- 30 (a) all disqualifying orders or disqualifying offences; or
- 31 (b) a particular kind or particular kinds of disqualifying
32 orders or disqualifying offences; or

- 1 (c) disqualifying orders or disqualifying offences of a
2 particular class or description, including (in the case of
3 disqualifying offences) offences described by reference
4 to the type of finding of guilt that applies in relation to
5 the offences.
- 6 (5) The fact that a person has ceased to be a disqualified person
7 does not prevent the Commissioner from having regard to the
8 conduct of the person that resulted in the person being a
9 disqualified person in forming an opinion as to whether or not
10 the person is a fit and proper person to hold a firearm authority.

11 **10. Membership of disqualifying organisation**

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

26 **11. Finding of guilt**

- 27 (1) A reference to a *finding of guilt* in relation to an offence
28 committed by a person is a reference to any of the following —
- 29 (a) a court making a formal finding of guilt in relation to the
30 offence;

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

17 **12. Possession**

- 18 (1) A person is in ***possession*** of a thing in any of the following
19 circumstances —
- 20 (a) the person has actual physical possession of it;
- 21 (b) the person has the custody or control of it, whether
22 directly or remotely;
- 23 (c) the person has and exercises access to it in a place either
24 alone or in common with others;
- 25 (d) the person occupies, or has care, control or management
26 of, a place where it is found;
- 27 (e) the person is in charge of a vehicle where it is found.

- 1 (2) A person is in *possession* of firearm technology in any of the
2 circumstances provided for by subsection (1) and in the
3 following circumstances —
- 4 (a) the person is in possession (as provided by
5 subsection (1)) of a computer or other data storage
6 device on which the firearm technology is held or
7 contained;
- 8 (b) the person controls or accesses the firearm technology
9 by means of a remote computer or web portal (even if
10 the remote computer or web portal is in the control of
11 another person or is outside the State).
- 12 (3) A person is not in *possession* of a thing if —
- 13 (a) the person is in possession of the thing solely by reason
14 of circumstances referred to in subsection (1)(d) or (e);
15 and
- 16 (b) the thing is in the lawful possession of another person at
17 the time.
- 18 (4) If a thing is carried in parts by, or is otherwise in the possession
19 of, 2 or more persons each of those persons is taken to be in
20 *possession* of the thing.
- 21 (5) If a person is using a firearm under the supervision of a person
22 (*the supervisor*), both the supervisor and the person using the
23 firearm are in *possession* of the firearm.

24 **13. Immediate possession**

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

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

4 **14. Major firearm parts**

5 (1) A *major firearm part* is any of the following, made or modified
6 for use as part of a firearm —

- 7 (a) a gas piston, friction assembly, action bar, breech bolt or
8 breech block;
- 9 (b) a frame, chassis or stock, including a frame blank, or
10 chassis blank;
- 11 (c) a barrel or barrel blank;
- 12 (d) an assembled trigger mechanism;
- 13 (e) a receiver or slide;
- 14 (f) a magazine;
- 15 (g) a thing that includes at least 1 of the things listed in
16 paragraphs (a) to (f);
- 17 (h) any other thing that is prescribed by the regulations.

18 (2) A firearm authority that authorises possession of a firearm (the
19 *authorised firearm*) also authorises possession of the major
20 firearm parts that comprise the authorised firearm.

21 Note for this subsection:

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

25 **15. Relevant management positions**

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

- 1 determined under subsection (3) is not a relevant position for
2 the purposes of holding a firearm authority —
- 3 (a) the position of director, manager or other executive
4 position or secretary, however that position is
5 designated;
- 6 (b) a position on the governing body of the body, however
7 that position is designated.
- 8 (2) A person holds a *relevant management position* in a
9 partnership if the person is a member of the partnership.
- 10 (3) The Commissioner may determine, either generally or in a
11 particular case, that a particular position in a body corporate is
12 not a relevant position for the purposes of holding a firearm
13 authority.
- 14 **16. Delegation of Commissioner’s powers and duties**
- 15 (1) The Commissioner may delegate any power or duty of the
16 Commissioner under another provision of this Act to a police
17 officer or employee of the Department.
- 18 (2) The Commissioner cannot delegate the power to make or revoke
19 a firearms prohibition order except to a police officer of or
20 above the rank of Commander.
- 21 (3) A delegation by the Commissioner under this section must be in
22 writing signed by the Commissioner.
- 23 (4) A person to whom a power or duty is delegated under this
24 section cannot delegate that power or duty.
- 25 (5) A person exercising or performing a power or duty that has been
26 delegated to the person under this section is taken to do so in
27 accordance with the terms of the delegation unless the contrary
28 is shown.
- 29 (6) Nothing in this section limits the ability of the Commissioner to
30 perform a function through an officer or agent.

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

1 (6) A person who is exempt from the operation of a provision of
2 this Act in respect of an act or omission by the person is not
3 guilty of an offence arising under the provision or arising as a
4 result of a contravention of the provision.

5 (7) Conduct of a person that would be a contravention of a
6 provision of this Act were it not for an exemption under this
7 section is taken to be conduct that is authorised by a licence for
8 the purposes of a reference in a provision of this Act or any
9 other written law to conduct authorised by a licence.

10 **18. Antique firearms**

11 (1) In this section —

12 *antique firearm* means —

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

16 *excluded firearm* means any of the following firearms —

- 17 (a) a handgun that is capable of discharging breech-loaded
18 cartridge ammunition (even if that ammunition is
19 obsolete ammunition);
- 20 (b) a handgun that is a percussion lock or cap lock firearm;
- 21 (c) a firearm (other than a handgun) that is capable of
22 discharging breech-loaded cartridge ammunition other
23 than obsolete ammunition;
- 24 (d) a firearm that has revolving chambers or barrels;
- 25 (e) a cannon;

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

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

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

3 Note for this subsection:

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

6 (3) Subsection (2) does not apply to the possession, acquisition or
7 supply of an antique firearm by a disqualified person or
8 prohibited person.

9 (4) Subsection (2) does not prevent the grant of a licence or permit
10 that authorises the possession, acquisition or supply of an
11 antique firearm.

12 (5) The Commissioner may, for the purposes of this section,
13 determine that ammunition is not commercially available.

14 (6) A determination that ammunition is not commercially available
15 must be published in the *Gazette*.

Part 2 — Licences

Division 1 — General

19. Kinds of licence

The Commissioner may grant the following licences under this Act —

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

20. Names of licences

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

21. Requirement for genuine reason for licence for firearm

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

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

3 (1) A licence to authorise the use of a firearm must not be granted
4 to a person unless the Commissioner is satisfied that the firearm
5 is suitable and appropriate for the use to be authorised by the
6 licence having regard to the purposes for which, and the
7 circumstances in which, the firearm will be authorised to be
8 used.

9 (2) The regulations may provide for the matters of which the
10 Commissioner must be satisfied in order to be satisfied that a
11 firearm is suitable and appropriate for the use to be authorised
12 by a licence.

13 **23. Authorised persons for licence**

14 (1) In this section —

15 *close associate*, of a licensee, means any of the following
16 persons —

- 17 (a) an employee or agent of, or contractor to, the licensee;
18 (b) an officer of a body corporate that holds the licence;
19 (c) a person who holds a relevant management position in a
20 body corporate or partnership that holds the licence;
21 (d) if the licensee is a club — a member of the club.

22 (2) An authorised person for a licence is an individual who —

- 23 (a) is eligible under this section to be an authorised person
24 for the licence; and
25 (b) is approved as an authorised person for the licence.

26 (3) The following persons are eligible to be an authorised person
27 for a licence —

- 28 (a) the licensee;
29 (b) a close associate of the licensee.

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

3 Note for this subsection:

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

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

8 Note for this subsection:

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

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

16 (a) the act or omission of the authorised person is taken to
17 be an act or omission of the licensee, with the result that
18 the licensee is taken to have committed the offence; and

19 (b) the offence is taken to apply also to an act or omission
20 of the authorised person (in the same way as it applies to
21 an act or omission of the licensee), with the result that
22 the authorised person is also taken to have committed
23 the offence; and

24 (c) either the authorised person or the licensee, or both of
25 them, can be prosecuted for the offence.

26 **24. Approved firearms trainers**

27 The Commissioner may approve a person to provide firearms
28 training.

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

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

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Division 2 — Individual Licences

Subdivision 1 — General

26. Term used: licence purpose

In this Division —
licence purpose has the meaning given in section 28(1).

27. Grant of Individual Licence to individual

An Individual Licence can only be granted to an individual.

28. Purposes of Individual Licence

(1) An Individual Licence may be granted for 1 or more of the following purposes (each a *licence purpose* of the licence) —

- (a) competition shooting;
- (b) hunting;
- (c) paintball.

(2) An Individual Licence may be referred to by a name that indicates the licence purpose of the licence, as follows —

- (a) a licence for competition shooting may be referred to as a Competition Licence;
- (b) a licence for hunting may be referred to as a Hunting Licence;
- (c) a licence for paintball may be referred to as a Paintball Licence.

(3) When an Individual Licence is for more than 1 purpose (a *multi-purpose licence*) —

- (a) each of those licence purposes is a separate licence purpose of the licence; and
- (b) a reference to an Individual Licence by a name that indicates a particular licence purpose includes a

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

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

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

7 Note for this subsection:

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

10 (2) If an Individual Licence is for more than 1 licence purpose, the
11 licence must specify, for each firearm to which the licence
12 applies, the licence purpose for which the firearm is authorised.

13 (3) An Individual Licence that is for the licence purposes of
14 competition shooting and hunting cannot have the same firearm
15 authorised for both of those purposes.

16 (4) An Individual Licence must specify the category of each firearm
17 to which the licence applies.

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

19 (1) The maximum number of firearms that an Individual Licence
20 can apply to at any one time is 10 (the *overall limit for an*
21 *Individual Licence*).

22 (2) In addition to the overall limit for an Individual Licence, the
23 maximum number of firearms that an Individual Licence for any
24 particular licence purpose can apply to at any one time is as
25 follows —

26 (a) 10 for a Competition Licence;

27 (b) 5 for a Hunting Licence.

28 (3) The regulations may prescribe circumstances in which the
29 maximum number of firearms that a Competition Licence can
30 apply to at any one time is greater than 10 (with a

1 commensurate increase in the overall limit for an Individual
2 Licence).

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

4 Notes for this section:

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

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

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

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

20 (1) The regulations may impose requirements (*prescribed*
21 *minimum activity requirements*) that require the holder of an
22 Individual Licence to engage in specified activities authorised
23 by the licence on a minimum number of occasions in a specified
24 period.

25 (2) It is a condition of an Individual Licence that the licensee must
26 comply with any prescribed minimum activity requirements that
27 apply to the licence.

28 (3) Without limiting subsection (1), prescribed minimum activity
29 requirements may require attendance at or participation in
30 events, competitions or other activities.

31 (4) Prescribed minimum activity requirements may include
32 requirements that relate to individual firearms to which a licence

1 applies and that impose different requirements in relation to
2 individual firearms.

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

6 **Subdivision 2 — Competition Licence**

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

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

12 Note for this section:

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

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

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

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

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

22 **Subdivision 3 — Hunting Licence**

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

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

1 Note for this section:

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

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

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

12 **38. Approval of land for hunting**

13 (1) The Commission may approve land for hunting by a person
14 using a firearm under a Hunting Licence.

15 (2) The Commissioner must not approve land under subsection (1)
16 unless the Commissioner is satisfied that —

- 17 (a) the land is in the State; and
18 (b) the person has permission to engage in hunting on the
19 land under section 39; and
20 (c) the land is suitable for hunting using the firearm under
21 the licence as provided by section 40.

22 **39. Hunting permission for land**

23 (1) In this section —

24 *authorised person*, for land, means —

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

- 1 Note for this subsection:
2 The owner of land will be an authorised person if the owner is the
3 occupier of the land.
- 4 (2) An authorised person for land may give a person permission
5 (***hunting permission***) in writing in the approved form to engage
6 in hunting on the land.
- 7 (3) A person who is an authorised person for land is taken to have
8 hunting permission to engage in hunting on the land.
- 9 (4) A hunting permission may be revoked at any time by notice in
10 writing given to the permission holder by any authorised person
11 for hunting permission on the land concerned.
- 12 (5) The regulations may provide for the following in connection
13 with hunting permissions —
- 14 (a) the period for which a hunting permission remains in
15 force (unless sooner revoked);
- 16 (b) requiring a person who gives hunting permission for
17 land to notify the Commissioner if the person ceases to
18 be an authorised person for the land;
- 19 (c) the lapsing of a hunting permission in the event that the
20 person who gave the permission ceases to be an
21 authorised person for the land;
- 22 (d) the obligations of the licensee under a Hunting Licence
23 in the event that a hunting permission for the licensee to
24 engage in hunting on land expires, lapses or is revoked;
- 25 (e) the renewal of a hunting permission.
- 26 (6) A person must not charge a fee for giving hunting permission
27 for land for the purposes of this section.
- 28 Penalty for this subsection: a fine of \$5 000.
- 29 (7) A person who falsely represents themselves to be an authorised
30 person for land and purports to give permission under this

1 section for a person to engage in hunting on the land commits
2 an offence.

3 Penalty for this subsection: imprisonment for 12 months and a
4 fine of \$12 000.

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

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

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

18 **41. Firearms permitted for Hunting Licence**

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

21 **Subdivision 4 — Paintball Licence**

22 **42. Authority conferred by Paintball Licence**

23 (1) A Paintball Licence authorises the licensee to use a prescribed
24 paintball gun to which the licence applies for the purposes of
25 participating in games of paintball conducted under the
26 authority of a Paintball Business Licence.

27 (2) A Paintball Licence can only apply to a prescribed paintball
28 gun.

- 1 (3) The use of a prescribed paintball gun that is authorised by a
2 Paintball Licence is limited to use with prescribed paintball
3 pellets.

4 **Division 3 — Business Licences**

5 **Subdivision 1 — General**

6 **43. Terms used**

7 In this Division —

8 *business* means —

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

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

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

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

18 **44. Kinds of Business Licence**

19 This Division provides for the following Business Licences —

- 20 (a) a Security Agent Business Licence provided for by
21 section 48;
22 (b) a Firearms Training Business Licence provided for by
23 section 49;
24 (c) a Theatrical Firearm Business Licence provided for by
25 section 50;
26 (d) a Paintball Business Licence provided for by section 51;
27 (e) a Professional Shooter Business Licence provided for by
28 section 52;

- 1 (f) a Prescribed Business Licence provided for by
2 section 53.

3 **45. Grant of Business Licence**

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

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

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

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

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

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

22 **Subdivision 2 — Kinds of Business Licences**

23 **48. Security Agent Business Licence**

- 24 (1) In this section —
25 *security agent business* means a business conducted under a
26 security agent's licence issued for the purposes of the *Security*
27 *and Related Activities (Control) Act 1996* section 15.
- 28 (2) A Business Licence may be granted for a security agent
29 business as a Security Agent Business Licence.

1 (3) A Security Agent Business Licence does not authorise a person
2 to use a business firearm unless the person is authorised to
3 possess a firearm by a security officer's licence endorsed under
4 section 24, or a permit issued under section 25, of the *Security*
5 *and Related Activities (Control) Act 1996*.

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

8 **49. Firearms Training Business Licence**

9 (1) In this section —

10 *firearms training business* means a business of providing
11 firearms training.

12 (2) A Business Licence may be granted for a firearms training
13 business as a Firearms Training Business Licence.

14 (3) In addition to the standard authority of a Business Licence, a
15 Firearms Training Business Licence authorises a person to use a
16 business firearm at a licensed firearm range when undergoing
17 firearms training provided by, and under the immediate
18 supervision of, an authorised person for the licence in the course
19 of the operation of the business for which the licence is granted.

20 (4) A Firearms Training Business Licence can only apply to a
21 firearm of category A, B, C, E or H.

22 **50. Theatrical Firearm Business Licence**

23 (1) In this section —

24 *theatrical firearm business* means a business of providing
25 firearms training to, and supervision of, actors and others
26 engaged in a theatrical performance to ensure the safe handling
27 and use of firearms in the course of a theatrical performance;

28 *theatrical performance* means the rehearsal or presentation of a
29 work of live or recorded entertainment.

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

15 **51. Paintball Business Licence**

- 16 (1) In this section —
17 *paintball business* means a business of conducting, and
18 providing facilities and equipment for the conduct of, games of
19 paintball.
- 20 (2) A Business Licence may be granted for a paintball business as a
21 Paintball Business Licence.
- 22 (3) In addition to the standard authority of a Business Licence, a
23 Paintball Business Licence authorises a person to use a business
24 firearm for the purposes of participating in a paintball game
25 conducted under the supervision of an authorised person for the
26 licence in the course of the operation of the business for which
27 the licence is granted.
- 28 (4) A Paintball Business Licence can only apply to a prescribed
29 paintball gun.

1 (5) The use of a prescribed paintball gun that is authorised by a
2 Paintball Business Licence is limited to use with prescribed
3 paintball pellets.

4 **52. Professional Shooter Business Licence**

5 (1) In this section —

6 *professional shooter business* means a business of providing a
7 service that involves —

- 8 (a) the sedation of animals by means of a firearm; or
9 (b) the culling, euthanasia or other humane destruction of
10 animals by means of a firearm.

11 (2) A Business Licence may be granted for a professional shooter
12 business as a Professional Shooter Business Licence.

13 (3) A Professional Shooter Business Licence can only apply to a
14 firearm of category A, B, C or E.

15 **53. Prescribed Business Licence**

16 (1) In this section —

17 *prescribed business* means a business prescribed by the
18 regulations as a business for which a Business Licence can be
19 granted.

20 (2) A Business Licence may be granted for a prescribed business as
21 a Prescribed Business Licence.

22 (3) In addition to the standard authority of a Business Licence, a
23 Prescribed Business Licence authorises the use of a business
24 firearm as provided by the regulations.

25 (4) In the case of a Prescribed Business Licence, the regulations
26 may limit or disapply any authority conferred by the standard
27 authority of a Business Licence.

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Division 4 — Primary Producer Licences

54. Terms used

In this Division —

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

family member, of a person, means —

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

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

55. Approval of family members

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

56. Grant of Primary Producer Licence

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

57. Primary producer licence to be granted for landholding

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

- 1 (3) A Primary Producer Licence must not be granted for a
2 landholding for which another Primary Producer Licence has
3 been granted and is in force.

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

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

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

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

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

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

24 A Primary Producer Licence authorises the following —

- 25 (a) the licensee is authorised to possess a firearm to which
26 the licence applies for the purpose of the firearm being
27 used as authorised by the licence;
- 28 (b) an authorised person for the licence is authorised to use
29 a firearm to which the licence applies for the purposes of

- 1 the primary production activities of the licensee on a
2 landholding for which the licence is granted and for
3 those purposes on any other landholding of the licensee;
- 4 (c) an authorised person for the licence is authorised to use
5 a firearm to which the licence applies with the
6 permission of the licensee for the purposes of the
7 primary production activities of another person with the
8 permission of that other person.

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

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

15 Note for this subsection:

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

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

22 Note for this subsection:

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

- 28 (3) Section 30 does not limit the number of firearms that a licence
29 can apply to when the licence is a primary producer's Hunting
30 Licence.

- 31 (4) A Hunting Licence must not be granted to an individual who is
32 taken to hold a primary producer's Hunting Licence.

1 (5) This section does not prevent the grant of a Competition
2 Licence or Paintball Licence to an individual who holds a
3 Primary Producer Licence.

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

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

21 **Division 5 — Collector Licences**

22 **Subdivision 1 — General**

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

24 In this Division —
25 *approved society of firearm collectors* means a body corporate
26 approved under section 70 as an approved society of firearm
27 collectors.

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

29 A Collector Licence can only be granted to an individual.

1 **65. Purposes of Collector Licence**

- 2 (1) A Collector Licence may be granted for either or both of the
3 following purposes (each a *licence purpose* of the licence) —
4 (a) the collection of firearms;
5 (b) the collection of ammunition.
- 6 (2) A Collector Licence may be referred to by a name that indicates
7 the licence purpose of the licence, as follows —
8 (a) a licence for the collection of firearms may be referred
9 to as a Collector Licence for firearms;
10 (b) a licence for the collection of ammunition may be
11 referred to as a Collector Licence for ammunition.
- 12 (3) When a Collector Licence is for both licence purposes (a
13 *dual-purpose licence*) —
14 (a) each of those licence purposes is a separate and distinct
15 licence purpose of the licence; and
16 (b) a reference to a Collector Licence by a name that
17 indicates a particular licence purpose includes a
18 reference to a dual-purpose licence in relation to its
19 operation as a licence for that licence purpose.

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

- 21 (1) A Collector Licence for firearms authorises the licensee to
22 possess a firearm to which the licence applies for the purpose of
23 it forming part of a firearm collection of the licensee.
- 24 (2) A firearm collection can comprise a single firearm.
- 25 (3) A Collector Licence for firearms applies to 1 or more specific
26 firearms, each of which is uniquely identified by the licence as a
27 firearm to which the licence applies.
- 28 (4) The regulations may restrict the types of firearms to which a
29 Collector Licence for firearms can apply.

1 (5) A Collector Licence for firearms does not authorise the licensee
2 to use a firearm to which the licence applies.

3 (6) A Collector Licence for firearms can apply to a major firearm
4 part to authorise the possession of the major firearm part as part
5 of the firearm collection of the licensee, and the Collector
6 Licence then authorises possession of the major firearm part as
7 if it were a firearm to which the licence applied.

8 **67. Authority conferred by Collector Licence for ammunition**

9 (1) A Collector Licence for ammunition authorises the licensee to
10 possess ammunition to which the licence applies for the purpose
11 of it forming part of an ammunition collection of the licensee.

12 (2) A Collector Licence for ammunition applies to ammunition to
13 which the licence applies as provided by the terms of the
14 licence.

15 (3) The regulations may restrict the types of ammunition to which a
16 Collector Licence for ammunition can apply.

17 (4) A Collector Licence for ammunition does not authorise the
18 licensee to use ammunition to which the licence applies.

19 **68. Requirements for collectible firearms and ammunition**

20 (1) A Collector Licence for firearms must not authorise possession
21 of a firearm unless the Commissioner is satisfied that the
22 firearm has —

23 (a) significant commemorative value because of the special
24 significance that the firearm, or any firearm of the same
25 or a related kind, has in connection with a particular
26 event in history; or

27 (b) significant historical value because of the special
28 significance that the firearm, or any firearm of the same
29 or a related kind, has in connection with a particular
30 period in history; or

- 1 (c) significant thematic value because of the special
2 significance that the firearm, or any firearm of the same
3 or a related kind, has in connection with the
4 development, manufacture or use of firearms.
- 5 (2) Subsection (1) applies also to a Collector Licence for
6 ammunition as if a reference in that subsection to a firearm were
7 a reference to ammunition.
- 8 (3) The regulations may make provision for —
- 9 (a) matters that must be considered by the Commissioner in
10 deciding whether a firearm or ammunition has
11 significant commemorative, historical or thematic value;
12 and
- 13 (b) requirements that must be satisfied for a firearm or
14 ammunition to have significant commemorative,
15 historical or thematic value.

16 **Subdivision 2 — Collection of handguns manufactured after 1946**

17 **69. Additional requirements for Collector Licence for handgun**
18 **manufactured after 1946**

- 19 (1) A Collector Licence for firearms must not apply to a handgun
20 manufactured after 1946 unless the Commissioner is satisfied
21 that —
- 22 (a) the licensee is a student of arms; and
23 (b) the handgun is within the scope of the licensee's interest
24 as a student of arms; and
25 (c) the person is a member of an approved society of
26 firearm collectors.
- 27 (2) A *student of arms* is a person who can demonstrate a prolonged
28 and genuine interest in the study, preservation or collection of
29 firearms.

1 **74. Authority conferred by Club Licence**

2 (1) A Club Licence authorises the following —

- 3 (a) the licensee is authorised to possess a club firearm for
4 the purpose of the firearm being used as authorised by
5 the licence;
- 6 (b) an authorised person for the licence is authorised to use
7 a club firearm at a licensed firearm range for the
8 purposes of competition shooting, target shooting or
9 firearms training at the licensed firearm range;
- 10 (c) any person (other than a disqualified person or
11 prohibited person) is authorised to use a club firearm at
12 a licensed firearm range for the purposes of competition
13 shooting, target shooting or firearms training at the
14 licensed firearm range under the immediate supervision
15 of an authorised person for the licence.

16 Note for this subsection:

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

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

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

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

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

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

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

9 **77. Membership of licensed firearm club**

10 (1) The regulations may make provision for the following matters
11 (*membership matters*) in connection with membership of a
12 licensed firearm club —

- 13 (a) the requirements that must be satisfied for a person to
14 become a member of the club;
15 (b) the circumstances in which the club must suspend or
16 cancel the membership of a member of the club.

17 (2) Subsection (1) does not prevent the rules of a licensed firearm
18 club from making provision for membership matters that is not
19 inconsistent with the regulations.

20 **Division 7 — Range Licences**

21 **78. Terms used**

22 In this Division —

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

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

28 *shooting gallery* means a movable firearm range.

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

3 (1) A Range Licence may be granted to an individual, a body
4 corporate or a partnership.

5 (2) A Range Licence must not be granted unless the Commissioner
6 is satisfied that the licensee will operate the firearm range for
7 which the licence is granted.

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

9 (1) A Range Licence is granted for a firearm range specified in the
10 licence as the licensed firearm range for the licence.

11 (2) A Range Licence for a firearm range authorises the
12 following —

13 (a) the licensee is authorised to possess a range firearm for
14 the purpose of the firearm being used as authorised by
15 the licence;

16 (b) an authorised person for the licence is authorised to use
17 a range firearm at the licensed firearm range for the
18 purposes of competition shooting, target shooting or
19 firearms training;

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

26 Note for this subsection:

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

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

1 **84. Range Licence for shooting gallery**

2 (1) A Range Licence can be issued as a Range Licence for a
3 shooting gallery.

4 (2) A Range Licence for a shooting gallery is subject to the
5 following restrictions —

6 (a) the shooting gallery is a licensed firearm range only
7 when it is being operated in accordance with the
8 regulations and at locations, or locations of a kind,
9 specified in the licence;

10 (b) the licence does not authorise the use of a firearm for the
11 purposes of firearms training.

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

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

16 (2) A Range Licence can only apply to a firearm of category A, B,
17 C or H unless the licence is a Range Licence for a shooting
18 gallery.

19 (3) A Range Licence for a shooting gallery can only apply to a
20 firearm of category A.

21 (4) A Range Licence need not apply to any firearm and may be
22 granted accordingly.

23 **Division 8 — Trade Licences**

24 **Subdivision 1 — General**

25 **86. Term used: trade purpose**

26 In this Division —

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

1 **87. Grant of Trade Licence**

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

4 **88. Purposes of Trade Licence**

5 (1) A Trade Licence may be granted for 1 or more of the following
6 purposes (each a *trade purpose* of the licence) —

- 7 (a) firearm dealing;
- 8 (b) firearm manufacture;
- 9 (c) firearm repair;
- 10 (d) firearm storage.

11 (2) A Trade Licence may be referred to by a name that indicates the
12 trade purpose of the licence, as follows —

- 13 (a) a licence for firearm dealing may be referred to as a
14 Firearm Dealer Licence;
- 15 (b) a licence for firearm manufacture may be referred to as a
16 Firearm Manufacture Licence;
- 17 (c) a licence for firearm repair may be referred to as a
18 Firearm Repair Licence;
- 19 (d) a licence for firearm storage may be referred to as a
20 Firearm Storage Licence.

21 (3) When a Trade Licence is for more than 1 trade purpose (a
22 *multi-purpose licence*) —

- 23 (a) each of those trade purposes is a separate and distinct
24 trade purpose of the licence; and
- 25 (b) a reference to a Trade Licence by a name that indicates a
26 particular trade purpose includes a reference to a
27 multi-purpose licence in relation to its operation as a
28 licence for that trade purpose.

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

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

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

- 14 (1) A Trade Licence must not be granted to a person unless the
15 Commissioner is satisfied that the person genuinely intends to
16 carry on a business for which the licence is required.
- 17 (2) The regulations may require a minimum level of business
18 activity for a Trade Licence or for a Trade Licence for any
19 particular trade purpose.
- 20 (3) A Trade Licence for which a minimum level of business activity
21 is required by the regulations must not be granted unless the
22 Commissioner is satisfied that —
23 (a) the level of business activity under the licence will
24 likely be not less than the minimum level required by
25 the regulations; or
26 (b) the person has a reasonable excuse for the business to be
27 carried on under the licence not achieving that minimum
28 level of business activity.
- 29 (4) For the purpose of determining what the level of business
30 activity of a business is likely to be, the Commissioner is

1 entitled to presume that the current level of business activity of
2 a business indicates the likely future level of business activity of
3 the business.

4 (5) The regulations may prescribe the minimum level of business
5 activity required for a Trade Licence by reference to any aspect
6 or indicator of business activity, including but not limited to any
7 of the following —

- 8 (a) the amount of revenue generated by the business;
9 (b) the volume of business transactions or business
10 transactions of a particular kind in the course of the
11 business.

12 Example for this subsection:

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

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

- 16 (1) A Trade Licence applies to premises at a single location
17 specified by the licence.
18 (2) The authority conferred by a Trade Licence is limited to
19 authorising the conduct of activities on premises to which the
20 licence applies.
21 (3) A person can hold more than 1 Trade Licence for the same trade
22 purpose or trade purposes to authorise the conduct of activities
23 at different locations.

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

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

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

- 29 (1) It is a condition of a Trade Licence that the licensee must ensure
30 that the conduct of business under the licence is personally

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

17 **Subdivision 2 — Trade Licences**

18 **94. Firearm Dealer Licence**

- 19 (1) A Firearm Dealer Licence authorises the licensee to deal in
20 things to which the licence applies in the course of a business
21 carried on by the licensee (the *licensee's firearm dealer*
22 *business*).
- 23 (2) A Firearm Dealer Licence also authorises the licensee to do any
24 of the following things in the course of the licensee's firearm
25 dealer business that are approved for the licence —
- 26 (a) use a thing to which the licence applies for the purpose
27 of testing or demonstration;
- 28 (b) dismantle a thing to which the licence applies for parts
29 and deal in those parts;

- 1 (c) accept possession of a thing to which the licence applies
2 for the purpose of its delivery to the licensee under
3 another Trade Licence.

4 **95. Firearm Repair Licence**

- 5 (1) A Firearm Repair Licence authorises the licensee to repair
6 things to which the licence applies in the course of a business
7 carried on by the licensee (the *licensee's firearm repair*
8 *business*).
- 9 (2) A Firearm Repair Licence also authorises the licensee to do any
10 of the following things in the course of the licensee's firearm
11 repair business that are approved for the licence —
- 12 (a) possess ammunition for a firearm to which the licence
13 applies;
- 14 (b) use a thing to which the licence applies for the purposes
15 of testing;
- 16 (c) dismantle a thing to which the licence applies for parts
17 and use those parts for the purposes of the repair under
18 the authority of the licence of things to which the licence
19 applies;
- 20 (d) make an approved alteration to a thing to which the
21 licence applies;
- 22 (e) carry out maintenance of a thing to which the licence
23 applies.

24 **96. Firearm Manufacture Licence**

- 25 (1) A Firearm Manufacture Licence authorises the licensee to
26 manufacture a thing to which the licence applies in the course of
27 a business carried on by the licensee (the *licensee's firearm*
28 *manufacture business*).
- 29 (2) A Firearm Manufacture Licence also authorises the licensee to
30 do any of the following things in the course of the licensee's

- 1 firearm manufacture business that are approved for the
2 licence —
- 3 (a) supply a thing to which the licence applies that is
4 manufactured under the authority of the licence;
- 5 (b) dismantle a thing to which the licence applies for parts
6 and use those parts for the purposes of the manufacture
7 under the authority of the licence of things to which the
8 licence applies;
- 9 (c) use a thing to which the licence applies for the purposes
10 of testing or demonstration.

11 **97. Firearm Storage Licence**

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

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

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

- 19 (1) The Commissioner may approve of a Trade Licence applying to
20 a prohibited accessory (a *prohibited accessory approval*).
- 21 (2) A prohibited accessory approval may relate to —
- 22 (a) prohibited accessories generally; or
23 (b) a particular prohibited accessory or particular prohibited
24 accessories specified in the approval.
- 25 (3) The regulations or the conditions of a prohibited accessory
26 approval may —
- 27 (a) limit the authority of a Trade Licence in connection with
28 a prohibited accessory approval; or

- 1 (b) impose requirements in respect of activities under the
2 authority of a Trade Licence in connection with a
3 prohibited accessory approval.

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

6 (1) The Commissioner may approve of a Firearm Repair Licence or
7 Firearm Manufacture Licence extending to firearm technology.

8 (2) For a Firearm Repair Licence the approval results in the licence
9 authorising the licensee to —

10 (a) create, develop and be in possession of firearm
11 technology for the purposes of the repair of things to
12 which the licence applies; and

13 (b) disseminate firearm technology to any authorised person
14 for the licence for the purposes of the repair of things to
15 which the licence applies.

16 (3) For a Firearm Manufacture Licence the approval results in the
17 licence authorising the licensee to —

18 (a) create, develop and be in possession of firearm
19 technology for the purposes of the manufacture of things
20 to which the licence applies; and

21 (b) disseminate firearm technology to any authorised person
22 for the licence for the purposes of the manufacture of
23 things to which the licence applies.

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

26 (1) The Commissioner may approve of a person nominated by the
27 licensee under a Firearm Repair Licence or Firearm
28 Manufacture Licence providing firearm technology to the
29 licensee.

- 1 (2) The approval results in the licence concerned authorising the
2 approved person —
- 3 (a) to create and develop firearm technology on behalf of
4 the licensee; and
- 5 (b) to be in possession of firearm technology so created or
6 developed; and
- 7 (c) to disseminate to the licensee firearm technology so
8 created or developed.

9 **Division 9 — Government Entity Licences**

10 **101. Term used: Government entity**

11 In this Division —

12 ***Government entity*** means —

- 13 (a) a department, or division of a department, of the Public
14 Service; or
- 15 (b) a government department, or division of a government
16 department, of the Commonwealth; or
- 17 (c) another agency or instrumentality of the State or the
18 Commonwealth (or a division of such an agency or
19 instrumentality); or
- 20 (d) a local government.

21 **102. Grant of Government Entity Licence**

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

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

25 (1) A Government Entity Licence granted to a Government entity
26 authorises the following —

- 27 (a) the licensee is authorised to possess a firearm to which
28 the licence applies for the purpose of the firearm being
29 used as authorised by the licence;

1 (b) an authorised person for the licence is authorised to use
2 a firearm to which the licence applies in the performance
3 of the person’s duties as an employee or agent of, or
4 contractor to, the Government entity for any purpose
5 prescribed by the regulations in respect of the
6 Government entity.

7 (2) A person cannot be an authorised person for a Government
8 Entity Licence unless the person is an employee or agent of, or
9 contractor to, the Government entity.

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

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

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

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

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

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

19 (1) The Commissioner may approve of a major firearm part as a
20 replacement part for an existing part of a firearm to which a
21 licence applies.

22 (2) The Commissioner may then amend the licence to make any
23 appropriate amendment to the description of the firearm as a
24 firearm to which the licence applies.

25 (3) A major firearm part must not be approved as a replacement
26 part for an existing part of a firearm to which a licence applies
27 unless the Commissioner is satisfied that the licence would be
28 granted to apply to the firearm with the replacement part fitted
29 to it.

- 1 (4) When a major firearm part is approved as a replacement part for
2 a firearm to which a licence applies —
- 3 (a) the replacement part becomes a major firearm part of the
4 firearm for the purposes of the licence; and
- 5 (b) the part replaced ceases to be a major firearm part of the
6 firearm for the purposes of the licence; and
- 7 (c) the part replaced must be surrendered to the
8 Commissioner or supplied to another person, as required
9 by the approval; and
- 10 (d) the licence authorises the part replaced to be supplied to
11 another person as required by the approval.

12 Note for this subsection:

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

- 16 (5) A major firearm part surrendered to the Commissioner as
17 required by the approval must be dealt with under section 364 as
18 if it were a major firearm part seized under this Act.

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

- 20 (1) A firearm (the *original firearm*) can be approved as including
21 an additional major firearm part (an *approved additional part*)
22 that is interchangeable with a major firearm part of the original
23 firearm.
- 24 (2) A firearm can be approved as including more than 1 approved
25 additional part.
- 26 (3) When a firearm is approved as including an approved additional
27 part —
- 28 (a) the original firearm and a configuration of the original
29 firearm that results from an approved additional part
30 being fitted to the firearm are each *approved*
31 *configurations* of the firearm; and

- 1 (b) each approved configuration of the firearm is treated as
2 a separate firearm for the purposes of it being a firearm
3 to which a licence applies; and
- 4 (c) a licence can apply to 1 or more approved
5 configurations of the firearm as separate firearms to
6 which the licence applies; and
- 7 (d) approved configurations that are treated as separate
8 firearms to which a licence applies are not counted as
9 separate firearms when counting the number of firearms
10 to which the licence applies; and
- 11 (e) the Commissioner may amend a licence that applies to
12 the original firearm for the purpose of including an
13 approved configuration of the firearm as a firearm to
14 which the licence applies.
- 15 (4) An approved configuration of a firearm must not be included as
16 a firearm to which a licence applies unless the Commissioner is
17 satisfied that the licence would be granted to apply to the
18 approved configuration of the firearm.

19 **Division 11 — Additional authority and restrictions**

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

- 22 (1) A licence that authorises the use of a firearm also authorises the
23 following for the purposes of the use of the firearm as
24 authorised by the licence —
- 25 (a) possession of the firearm;
- 26 (b) possession and use of ammunition for the firearm;
- 27 (c) possession and use of any magazine capable of being
28 used with the firearm, subject to subsection (2).

- 1 (2) A licence that authorises the use of a firearm does not authorise
2 the possession or use of a magazine that —
3 (a) would result in a change to the category of the firearm
4 as specified in the licence; or
5 (b) has a capacity that exceeds any maximum capacity that
6 is prescribed by the regulations.

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

- 9 (1) A licence that authorises the possession of a firearm also
10 authorises the possession of —
11 (a) ammunition for the firearm; and
12 (b) any magazine capable of being used with the firearm,
13 subject to subsection (2).
14 (2) A licence that authorises the possession of a firearm does not
15 authorise the possession of a magazine that —
16 (a) would result in a change to the category of the firearm
17 as specified in the licence; or
18 (b) has a capacity that exceeds any maximum capacity that
19 is prescribed by the regulations.
20 (3) This section does not apply to a Collector Licence for firearms.

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

- 22 (1) A licence that authorises the licensee or an authorised person for
23 the licence to use a firearm also authorises the licensee or
24 authorised person to use the firearm at a licensed firearm range
25 for the following purposes —
26 (a) target shooting (including target shooting for the
27 purposes of sighting in);
28 (b) receiving firearms training provided by an approved
29 firearms trainer;
30 (c) any other purpose prescribed by the regulations.

1 (2) This section does not apply to a Paintball Licence.

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

3 (1) This section applies to the following licences —

- 4 (a) a Hunting Licence;
- 5 (b) a Professional Shooter Business Licence;
- 6 (c) a Primary Producer Licence;
- 7 (d) a Government Entity Licence;
- 8 (e) any other licence prescribed by the regulations.

9 (2) A licence to which this section applies that authorises a person
10 to use a firearm also authorises the person to use the firearm for
11 target shooting for the purposes of sighting in the firearm at any
12 location at which the firearm is otherwise authorised to be used
13 by the licence.

14 Note for this section:

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

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

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

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

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

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

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

2 (1) A licence that authorises a person (the *supplier*) to supply a
3 firearm or related thing to a person also authorises the supplier
4 to give possession of the firearm or related thing to the person.

5 (2) A person who is authorised by the regulations referred to in
6 section 113 to supply a firearm or related thing to a person is
7 also authorised to give the person possession of the firearm or
8 related thing.

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

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

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

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

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

24 **117. Authority for manufacture of ammunition**

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

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

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

12 **119. Prohibited firearms**

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

16 **120. Prohibited ammunition**

17 A licence that authorises a person to possess, use, manufacture,
18 acquire or supply ammunition does not authorise the person to
19 possess, use, manufacture, acquire or supply prohibited
20 ammunition unless the Commissioner otherwise approves in a
21 particular case as permitted by the regulations.

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

- 23 (1) The Commissioner may approve a prohibited accessory as a
24 permitted accessory for a firearm to which a licence applies but
25 only if —
- 26 (a) the prohibited accessory is of a kind that the regulations
27 authorise the Commissioner to approve as a permitted
28 accessory; and

- 1 (b) the licence is of a kind that the regulations provide is
2 appropriate to authorise the possession and use of the
3 permitted accessory; and
- 4 (c) any other requirement of the regulations for the approval
5 of the prohibited accessory as a permitted accessory is
6 satisfied.
- 7 (2) If a prohibited accessory is approved as a permitted accessory
8 for a firearm to which a licence applies, the licence authorises
9 the following —
- 10 (a) a person who is authorised by the licence to possess the
11 firearm is authorised to possess the permitted accessory;
- 12 (b) a person who is authorised by the licence to use the
13 firearm is authorised to use the permitted accessory in
14 conjunction with the use of the firearm.
- 15 (3) This section does not limit section 98.

16 Note for this subsection:

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

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

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

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

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

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

1 **124. Firearms restrictions by regulation**

2 The regulations may —

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

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

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

17 Note for this section:

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

21 **126. Requirements for target shooting**

- 22 (1) The regulations may prescribe requirements (*target shooting*
23 *requirements*) for target shooting under the authority of a
24 licence.
- 25 (2) Target shooting requirements may relate to any aspect of target
26 shooting, including any of the following —
- 27 (a) the size, shape, design, appearance and construction
28 material of targets permitted to be used for target
29 shooting;

- 1 (b) the position and location of targets, including proximity
2 to roads;
- 3 (c) target backstops.
- 4 (3) A licence that authorises the use of a firearm for the purposes of
5 target shooting does not authorise target shooting that fails to
6 comply with any target shooting requirements of the
7 regulations.

8 **127. Division extends to permits**

9 This Division extends to a permit.

10 **Division 12 — Responsible person for licence**

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

- 12 (1) It is a condition of a licence that there must be a responsible
13 person for the licence if the licence is held by —
- 14 (a) a body corporate; or
15 (b) a partnership; or
16 (c) a Government entity.
- 17 (2) The responsible person for a licence is the person who is
18 approved for the time being as the responsible person for the
19 licence.
- 20 (3) A person is not eligible to be approved as the responsible person
21 for a licence unless the person is an individual who is —
- 22 (a) in the case of a licence held by a body corporate other
23 than a Government Entity Licence — an officer or
24 employee of the body corporate; or
25 (b) in the case of a licence held by a partnership — a
26 member or employee of the partnership; or
27 (c) in the case of a Government Entity Licence — an
28 employee of the Government entity to which the licence
29 applies.

- 1 (4) A person who is under 18 years of age is not eligible to be
2 approved as the responsible person for a licence.
- 3 (5) The responsible person for a licence who ceases to be eligible to
4 be approved as the responsible person for the licence continues
5 to be the responsible person for the licence until their approval
6 as the responsible person is cancelled.

7 **129. Functions of responsible person**

- 8 (1) When there is a responsible person for a licence —
- 9 (a) the responsible person has all the functions of the
10 licensee arising under or in connection with the licence;
11 and
- 12 (b) anything that the licensee is authorised or required to do
13 under or in connection with the licence can be done by
14 the responsible person on behalf of the licensee; and
- 15 (c) any act or omission by the responsible person under or
16 in connection with the licence is taken to be an act or
17 omission of the licensee.
- 18 (2) If the licensee under a licence for which there is a responsible
19 person is guilty of an offence (a *licensee offence*) under this Act
20 as a result of an act or omission of the responsible person, the
21 responsible person is also guilty of the licensee offence.
- 22 (3) The responsible person can be charged with and convicted of a
23 licensee offence whether or not the licensee is charged with or
24 convicted of the offence.

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

- 26 (1) The responsible person for a licence may delegate any power or
27 duty of the responsible person under another provision of this
28 Act to a person who is an authorised person for the licence but
29 only if a condition of the licence authorises delegation of the
30 power or duty.

- 1 (2) A delegation under this section must be in writing in the
2 approved form signed by the responsible person and must be
3 effected in the approved manner.
- 4 (3) A person to whom a power or duty is delegated under this
5 section cannot delegate that power or duty.
- 6 (4) A person exercising or performing a power or duty that has been
7 delegated to the person under this section is taken to do so in
8 accordance with the terms of the delegation unless the contrary
9 is shown.
- 10 (5) A power or duty delegated under this section is, when exercised
11 or performed by the delegate, taken for the purposes of this Act
12 to have been exercised or performed by the responsible person.

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

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

18 Penalty: a fine of \$5 000.

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

20 When there is a responsible person for a licence, a function of
21 the licensee that arises under or in connection with the licence
22 cannot be performed by or through a person other than the
23 responsible person for the licence or a delegate of the
24 responsible person under section 130.

25 **133. Division extends to permit**

26 This Division extends to a permit.

Part 3 — Permits

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134. Grant of permit

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

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

135. No permit for personal protection

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

136. Holding more than 1 permit

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

137. Application of other provisions to permits

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

- (a) section 21 (which prevents the grant of a licence to authorise the possession of a firearm unless the Commissioner is satisfied that the person has a genuine reason for the licence);

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

1 **Part 4 — Firearm authority procedures**

2 **Division 1 — General restrictions**

3 **138. Public safety**

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

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

8 (1) The Commissioner must not grant a firearm authority to a
9 person if the Commissioner is of the opinion that the person is
10 not a fit and proper person to hold the firearm authority.

11 (2) A reference in this Part to a *fit and proper person* is a reference
12 to a fit and proper person to hold a firearm authority.

13 **140. Disqualified and prohibited persons**

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

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

18 (1) A body corporate or partnership is not a fit and proper person if
19 a person who holds a relevant management position in the body
20 corporate or partnership is not a fit and proper person.

21 (2) A body corporate or partnership is a prohibited person or
22 disqualified person if a person who holds a relevant
23 management position in the body corporate or partnership is a
24 prohibited person or disqualified person.

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

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

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

4 **143. Grant includes renewal**

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

7 **144. Operation of other provisions**

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

11 Note for this section:

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

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

16 **Subdivision 1 — Making inquiries**

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

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

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

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

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

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

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

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

6 (1) In this section —

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

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

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

17 (a) require the person to provide the Commissioner with
18 health evidence to the effect that the person has been
19 examined and has not been found to have any physical
20 or mental condition that could reasonably result in the
21 person being considered to not meet firearm authority
22 health standards;

23 (b) require the person at the person's expense to attend and
24 be examined by a health practitioner for the purpose of
25 determining whether the person meets firearm authority
26 health standards (a *firearm authority health*
27 *examination*);

28 (c) require the person to provide the Commissioner with
29 any health evidence provided to the person by a health
30 practitioner in connection with a firearm authority health
31 examination of the person.

- 1 (3) The Commissioner may require that a firearm authority health
2 examination be carried out by a health practitioner (or a health
3 practitioner of a kind) chosen by the person or by the
4 Commissioner.
- 5 (4) The Commissioner must specify a period of not less than
6 28 days for compliance with a requirement under this section.
- 7 (5) A failure to comply with a requirement of the Commissioner
8 under this section within the period specified by the
9 Commissioner is sufficient grounds for the Commissioner to be
10 satisfied that the person does not meet firearm authority health
11 standards and for that reason is not a fit and proper person.
- 12 Note for this subsection:
13 Under section 153 the Commissioner has sufficient grounds for
14 forming the opinion that a person is not a fit and proper person if the
15 Commissioner is satisfied that the person does not meet firearm
16 authority health standards.
- 17 (6) If the Commissioner is provided with health evidence about a
18 person pursuant to a requirement under this section, the
19 Commissioner may request the health practitioner who provided
20 that evidence to provide the Commissioner with any further
21 information that the Commissioner considers to be relevant.
- 22 (7) Nothing prevents a health practitioner from providing the
23 Commissioner in good faith with further information about a
24 person pursuant to a request by the Commissioner (despite any
25 duty of confidentiality) and the provision of that further
26 information does not give rise to a criminal or civil action or
27 remedy.

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

30 This Division does not limit —

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

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

6 **Subdivision 2 — Matters for consideration**

7 **150. General matters for consideration**

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

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

18 **151. Mandatory criminal records check**

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

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

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

1 **154. Violent behaviour**

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

6 **155. Risk of firearm misuse**

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

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

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

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

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

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

6 **Division 3 — Other restrictions and requirements**

7 **158. Minimum age restrictions**

8 (1) The minimum age for a firearm authority is —

- 9 (a) 18 years for a licence or permit; or
10 (b) 15 years for an approval.

11 (2) A firearm authority must not be granted to an individual who is
12 under the minimum age for the firearm authority.

13 (3) The Commissioner may accept an application by an individual
14 for the grant of a firearm authority that is made no earlier than
15 3 months before the individual reaches the minimum age for the
16 firearm authority.

17 (4) A firearm authority does not authorise the possession or use of a
18 firearm by an individual who is under 12 years of age.

19 Note for this subsection:

20 Although a licence cannot be granted to an individual who is under
21 18 years of age, some licences authorise the possession and use of a
22 firearm by persons other than the licensee.

23 **159. Citizenship and residency**

24 (1) An individual must not be granted a licence or approved as an
25 authorised person or the responsible person for a licence unless
26 the individual resides in the State and is —

- 27 (a) an Australian citizen as defined in the *Australian*
28 *Citizenship Act 2007* (Commonwealth) section 4; or
29 (b) a permanent resident as defined in the *Australian*
30 *Citizenship Act 2007* (Commonwealth) section 5; or

1 (c) resident in Australia in circumstances prescribed by the
2 regulations.

3 (2) The regulations may prescribe circumstances in which a licence
4 or approval as an authorised person or responsible person can
5 (despite subsection (1)) be granted to an individual who does
6 not reside in the State.

7 Note for this section:

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

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

10 (1) A firearm authority must not be granted to an individual unless
11 the identity of the individual has been established to the
12 satisfaction of the Commissioner.

13 (2) A firearm authority must not be granted to a partnership unless
14 the identity of each member of the partnership has been
15 established to the satisfaction of the Commissioner.

16 (3) A firearm authority must not be granted to a body corporate
17 unless the following has been established to the satisfaction of
18 the Commissioner —

19 (a) the incorporation of the body;

20 (b) the identity of each person who holds a relevant
21 management position in the body.

22 (4) For the purposes of this section, the Commissioner may require
23 an applicant for the grant of a firearm authority to provide
24 evidence of the identity of a person in an approved manner.

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

26 (1) A firearm authority must not be granted to apply to a firearm or
27 major firearm part that in the opinion of the Commissioner is —

28 (a) unsafe; or

29 (b) unserviceable.

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

14 **Division 4 — Application and grant**

15 **162. Term used: application**

16 In this Division —

17 *application* means an application for the grant of a firearm

18 authority.

19 Note for this section:

20 Under section 143, a reference to the grant of a firearm authority

21 includes the renewal of a firearm authority.

22 **163. Making an application**

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

1 **164. Requirement to provide relevant information**

2 (1) In this section —

3 *relevant information* —

4 (a) means information relevant to consideration of an
5 application; and

6 (b) includes information that the Commissioner considers
7 necessary for the purpose of forming an opinion as to
8 whether a person is a fit and proper person to hold a
9 firearm authority.

10 (2) The Commissioner may require an applicant to provide relevant
11 information to the Commissioner in addition to information
12 provided with the application, and may make such a
13 requirement more than once.

14 (3) An applicant must comply with a requirement to provide
15 relevant information within the period (not less than 28 days
16 after the requirement is made) specified by the Commissioner.

17 (4) The Commissioner may require an applicant to attend an
18 interview with a police officer or employee of the Department
19 (*the interviewer*) at a reasonable time and place and provide
20 relevant information by answering questions asked by the
21 interviewer at the interview.

22 **165. Photograph and signature of applicant**

23 (1) The Commissioner may require that a photograph of an
24 applicant be provided to the Commissioner and for that purpose
25 may require an applicant to —

26 (a) provide an approved photograph of the applicant to the
27 Commissioner; or

28 (b) have a photograph of the applicant taken in an approved
29 manner and provided to the Commissioner.

30 (2) The Commissioner may require an applicant to provide in an
31 approved manner a sample of the applicant's signature.

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

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

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

- 16 (1) The Commissioner may require an applicant to provide the
17 Commissioner with a certificate (a *serviceability certificate*)
18 that certifies as to either or both of the following in respect of
19 any firearm or major firearm part to which the application
20 relates —
- 21 (a) that the firearm or major firearm part is in a serviceable
22 condition;
- 23 (b) that the firearm or major firearm part complies with any
24 safety standards and tests that are prescribed by the
25 regulations and applicable to the firearm or major
26 firearm part.
- 27 (2) The Commissioner may require the holder of a firearm authority
28 that applies to a firearm or major firearm part to provide the
29 Commissioner with a serviceability certificate for the firearm or
30 major firearm part and it is a condition of the firearm authority
31 that the holder must comply with that requirement.

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

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

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

8 **169. Grant of application**

9 The Commissioner must grant an application if satisfied that —

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

14 **170. Delayed grant for first licence**

15 (1) If a licence to be granted to a person will be the person's first
16 licence under this Act, the licence must not be granted until a
17 period of at least 42 days has elapsed since the making of the
18 application for the licence.

19 (2) A licence is considered to be a person's first licence under this
20 Act if —

- 21 (a) the person has never held a licence (of any kind) under
22 this Act; or
23 (b) the person has not held a licence (of any kind) under this
24 Act in the period of 3 years before the making of the
25 application.

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

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

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

3 Note for this subsection:

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

7 (3) A person cannot hold more than 1 Primary Producer Licence at
8 the same time.

9 (4) A person cannot hold a Primary Producer Licence and at the
10 same time be an authorised person for a Primary Producer
11 Licence held by another person.

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

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

15 **173. Form of firearm authority**

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

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

20 (1) An application for the approval of a person as the responsible
21 person or an authorised person for a licence is taken to be an
22 application for approval made by that person even if the
23 application is made by another person who nominates the
24 person for approval.

25 (2) The approval of a person as the responsible person or an
26 authorised person for a licence is taken to be the grant of an
27 approval to that person (and that person is taken to be the holder
28 of the approval) even if the application for approval is made by
29 another person.

1 **175. Register of firearm authorities**

2 (1) The Commissioner must compile and maintain a register (the
3 ***Firearm Authority Register***), in such form as the Commissioner
4 determines, of the firearm authorities granted or renewed under
5 this Act.

6 (2) The Commissioner must enter in the Firearm Authority Register
7 the particulars determined by the Commissioner for each
8 firearm authority granted or renewed under this Act.

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

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

13 **177. Firearm authorities not transferable**

14 A firearm authority is not transferable.

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

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

19 Penalty: a fine of \$5 000.

20 **Division 5 — Term and renewal**

21 **179. Term and renewal of licence**

22 (1) A licence may be granted or renewed for a term of 1, 3 or
23 5 years as chosen by the applicant for the grant or renewal of the
24 licence, subject to any limitations imposed by the regulations on
25 the term of a licence.

26 (2) A licence may instead be granted or renewed for a term
27 determined by the Commissioner for the purpose of aligning the
28 terms of 2 or more licences held by the same person.

-
- 1 (3) The Commissioner may renew a licence on application made by
2 the licensee before the end of the term of the licence or within
3 3 months after the end of that term.
- 4 (4) The regulations may prescribe a fee to be payable in addition to
5 the fee payable for an application for the renewal of a licence if
6 the application is made more than 7 days after the end of the
7 term of the licence.
- 8 (5) If a licence is renewed after the end of the term of the licence,
9 the term of the renewed licence is taken to have commenced
10 immediately after the end of the term of the licence that is
11 renewed.
- 12 (6) A licence cannot be renewed on application made more than
13 3 months after the end of the term of the licence but the person
14 who held the licence may apply for a new licence.

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

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

1 **181. Term and renewal of permit**

2 (1) A permit may be granted for a term of up to 3 months.

3 (2) A permit may be renewed for a term of up to 3 months on
4 application made before the end of the term of the permit or
5 within 3 months after the end of that term.

6 (3) If a permit is renewed after the end of the term of the permit, the
7 term of the renewed permit is taken to have commenced
8 immediately after the end of the term of the permit that is
9 renewed.

10 (4) A permit cannot be renewed on application made more than
11 3 months after the end of the term of the permit but the person
12 who held the permit may apply for a new permit.

13 (5) If an application for the renewal of a permit is made before the
14 end of the term of the permit and the application has not been
15 determined before the end of that term —

16 (a) the permit continues in force until the holder of the
17 permit is notified of the grant or refusal of the
18 application for renewal (unless the permit is cancelled or
19 suspended under another provision of this Act); and

20 (b) if the permit is renewed, the term of the renewed permit
21 is taken to have commenced immediately after the end
22 of the term of the permit that is renewed.

23 (6) If the application is withdrawn, the permit does not continue in
24 force after the application is withdrawn.

25 (7) A permit must not be granted or renewed to authorise a person
26 to possess or use any particular firearm for more than 6 months
27 in any period of 12 consecutive months.

28 **182. Term and renewal of approval**

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

-
- 1 **183. Possession offence during renewal period**
- 2 (1) In this section —
- 3 *possession in compliant storage* means possession of a firearm
- 4 or related thing when it is stored in compliant storage as defined
- 5 in section 299;
- 6 *possession offence* means an offence under Part 5 that a person
- 7 commits by possessing a firearm or related thing when not
- 8 authorised to do so by a firearm authority;
- 9 *renewal period*, for a firearm authority, means the period that
- 10 begins at the end of the term of the firearm authority and ends as
- 11 follows —
- 12 (a) if an application for renewal of the firearm authority is
- 13 made within 3 months after the end of the term of the
- 14 firearm authority, the renewal period ends when the
- 15 application for renewal is determined or otherwise
- 16 disposed of or is withdrawn;
- 17 (b) otherwise, the renewal period ends 3 months after the
- 18 end of the term of the firearm authority.
- 19 (2) Proceedings cannot be taken against a person for a possession
- 20 offence in respect of a person’s possession of a firearm or
- 21 related thing if that possession —
- 22 (a) is during the renewal period for a firearm authority
- 23 previously held by the person and would be authorised
- 24 by that firearm authority if it were still in force; and
- 25 (b) is possession in compliant storage.
- 26 (3) This section does not affect the taking of proceedings for —
- 27 (a) a possession offence in respect of a person’s possession
- 28 of a firearm or related thing that is not possession in
- 29 compliant storage; or
- 30 (b) an offence in respect of the use of a firearm or related
- 31 thing.

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

5 **184. Regulations: restrictions on renewal**

6 The regulations may restrict the renewal of a firearm authority.

7 **185. No renewal as of right**

8 A firearm authority is not renewable as of right.

9 Note for this section:

10 Division 8 provides for the grounds for refusal of renewal.

11 **Division 6 — Conditions**

12 **186. Conditions of firearm authority**

- 13 (1) The conditions to which a firearm authority is subject may —
14 (a) impose limitations or restrictions on the authority
15 conferred by the firearm authority; or
16 (b) impose obligations and restrictions on the holder of the
17 firearm authority; or
18 (c) impose obligations and restrictions on any person acting
19 under the authority of the firearm authority; or
20 (d) impose obligations and restrictions on the holder of the
21 firearm authority in connection with the carrying on of
22 any business or other activity to which the firearm
23 authority relates.
- 24 (2) The conditions of an approval of a person as the responsible
25 person or an authorised person for a licence can also impose
26 obligations and restrictions on the responsible person or
27 authorised person.

1 **187. Imposition and variation of conditions**

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

22 **188. Compliance with conditions**

- 23 A person who contravenes a condition of a firearm authority
24 commits an offence if the person is —
- 25 (a) the holder of the firearm authority; or
- 26 (b) in the case of a licence, the responsible person or an
27 authorised person for the licence; or
- 28 (c) a person who ought reasonably to have known of the
29 existence of the condition.

- 1 Penalty:
- 2 (a) for a first offence, a fine of \$5 000;
- 3 (b) for a second or subsequent offence, imprisonment for
- 4 12 months and a fine of \$12 000.

5 **Division 7 — Amendment**

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

- 7 (1) A licence or permit that authorises the possession or use of a
- 8 firearm may be amended by the Commissioner on the
- 9 application of the holder by —
- 10 (a) adding a firearm to the licence or permit as an additional
- 11 firearm to which the licence or permit applies; or
- 12 (b) replacing a firearm to which the licence or permit
- 13 applies with another firearm so that the licence or permit
- 14 ceases to apply to the replaced firearm and applies
- 15 instead to the firearm that replaces it; or
- 16 (c) removing a firearm from the licence or permit as a
- 17 firearm to which the licence or permit applies.
- 18 (2) A licence or permit that authorises the possession or use of a
- 19 firearm may be amended by the Commissioner, without an
- 20 application by the holder, by removing the firearm from the
- 21 licence or permit as a firearm to which the licence or permit
- 22 applies if the Commissioner is satisfied that the licence or
- 23 permit would not be granted to apply to the firearm.
- 24 (3) A licence or permit must not be amended to add or replace a
- 25 firearm unless the Commissioner is satisfied that the licence or
- 26 permit could be granted to apply to the additional or
- 27 replacement firearm.
- 28 (4) A licence or permit must not be amended to remove a firearm as
- 29 a firearm to which the licence or permit applies to result in the

1 licence or permit not applying to any firearm unless the licence
2 is then cancelled.

3 (5) Subsection (4) does not apply to a Club Licence or Range
4 Licence.

5 Note for this section:

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

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

11 (1) In this section —

12 *licence purpose* means —

13 (a) for an Individual Licence, a licence purpose as defined
14 in section 28(1);

15 (b) for a Trade Licence, a trade purpose as defined in
16 section 88(1).

17 (2) The Commissioner may amend an Individual Licence or Trade
18 Licence on the application of the licensee to add a licence
19 purpose to the licence if the Commissioner is satisfied that the
20 licence could be granted for that licence purpose.

21 (3) The Commissioner may amend an Individual Licence or Trade
22 Licence to remove a licence purpose from the licence —

23 (a) on the application of the licensee; or

24 (b) without an application by the licensee if the
25 Commissioner is satisfied that the licence would not be
26 granted for that licence purpose.

27 (4) The result of a licence purpose being added to a licence is that
28 the licence becomes a licence for that purpose in addition to any
29 existing purpose of the licence.

30 (5) The result of a licence purpose being removed from a licence is
31 that the licence ceases to be a licence for that purpose.

- 1 (6) A licence purpose must not be removed from a licence if it is
2 the only licence purpose of the licence unless the licence is then
3 cancelled.

4 Note for this section:

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

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

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

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

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

- 21 (1) The Commissioner must cancel or refuse to renew a firearm
22 authority if —
- 23 (a) the Commissioner is of the opinion that it is not
24 desirable in the interests of public safety that the firearm
25 authority continues in force or is renewed; or
- 26 (b) the Commissioner is of the opinion that the holder of the
27 firearm authority is not a fit and proper person to hold
28 the firearm authority; or
- 29 (c) the Commissioner is satisfied that the holder of the
30 firearm authority is a disqualified person; or

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

7 Note for this subsection:

8 A firearm authority held by a prohibited person is automatically

9 cancelled by section 324.

- 10 (2) The Commissioner is not required to cancel or to refuse to
- 11 renew a firearm authority as a result of the holder being a
- 12 disqualified person if the holder is a disqualified person only
- 13 because —

- 14 (a) the holder is an interim disqualified person; or
- 15 (b) a person who holds a relevant management position in
- 16 the body corporate or partnership that holds the firearm
- 17 authority is an interim disqualified person.

18 Note for this subsection:

19 When the holder of a firearm authority, or a person who holds a

20 relevant management position in a body corporate or partnership that

21 holds a firearm authority, is an interim disqualified person section 198

22 requires that the firearm authority be suspended.

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

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

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

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

- 21 (1) If the Commissioner is of the opinion that the holder of a
22 firearm authority may not be a fit and proper person to hold a
23 firearm authority, the Commissioner must request the holder to
24 make a submission about that to the Commissioner.
- 25 (2) The request must —
- 26 (a) be made in writing; and
27 (b) specify the manner in which and the time (not less than
28 28 days after the request is made) within which the
29 requested submission must be made; and
30 (c) specify the reasons why the Commissioner is of the
31 opinion that the person may not be a fit and proper
32 person; and

1 (d) state that a failure to make a submission as requested
2 can result in the cancellation of or refusal to renew the
3 firearm authority.

4 (3) If a request under this section is not complied with, the
5 Commissioner has sufficient grounds for forming the opinion
6 that the person is not a fit and proper person to hold a firearm
7 authority.

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

9 (1) The Commissioner must give notice in writing of a decision by
10 the Commissioner to cancel or to refuse to renew a firearm
11 authority to the holder of the firearm authority.

12 (2) Notice of the Commissioner's decision must include a statement
13 of the Commissioner's reasons for the decision.

14 (3) The Commissioner's decision takes effect when notice of it is
15 given to the holder of the firearm authority or on a later date
16 specified by the Commissioner in the notice.

17 (4) This section does not apply to a decision to cancel a firearm
18 authority at the request of the holder.

19 **196. Cancellation at request of holder**

20 (1) A firearm authority may be cancelled by the Commissioner at
21 the request of the holder made in the approved form.

22 (2) Cancellation at the request of the holder takes effect when the
23 Commissioner gives the holder notice in writing of the
24 cancellation.

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

27 (1) A person who is the holder of a firearm authority must give the
28 Commissioner notice in writing in the approved manner and
29 approved form of the occurrence of a disqualifying event in
30 relation to the person or a person who is an authorised person

1 for the licence within 14 days after becoming aware of the
2 occurrence of the disqualifying event.

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

4 (2) Each of the following is a disqualifying event in relation to a
5 person —

6 (a) a disqualifying order is made against the person; or

7 (b) the person is charged with a disqualifying offence; or

8 (c) there has been a finding of guilt in relation to a
9 disqualifying offence committed by the person.

10 **Division 9 — Suspension**

11 **198. Mandatory suspension during interim disqualification**

12 (1) The Commissioner must suspend a firearm authority if the
13 Commissioner is satisfied that the holder of the firearm
14 authority is a disqualified person as a result of —

15 (a) the person being an interim disqualified person; or

16 (b) a person who holds a relevant management position in
17 the body corporate or partnership that holds the firearm
18 authority being an interim disqualified person.

19 (2) The Commissioner must revoke the suspension of a firearm
20 authority if the Commissioner is satisfied that there are no
21 longer grounds under subsection (1) to suspend the firearm
22 authority.

23 (3) This section does not prevent the cancellation of a firearm
24 authority as required or authorised under Division 8.

25 **199. Suspension at discretion of Commissioner: fit and proper 26 person**

27 (1) The Commissioner may suspend a firearm authority if there are
28 reasonable grounds to believe that the holder of the firearm
29 authority may not be a fit and proper person to hold a firearm
30 authority.

- 1 (2) Without limiting the circumstances in which there are
2 reasonable grounds to believe that a person may not be a fit and
3 proper person to hold a firearm authority, there are reasonable
4 grounds for that belief in the following circumstances —
- 5 (a) when the person has been charged with an offence and
6 the Commissioner is of the opinion that a finding of
7 guilt is likely to result in cancellation of the firearm
8 authority on the grounds that the person is not a fit and
9 proper person to hold the firearm authority;
- 10 (b) when it appears to the Commissioner that there may be
11 sufficient grounds for the Commissioner forming the
12 opinion that the person is not a fit and proper person to
13 hold the firearm authority.

14 Note for this subsection:

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

- 18 (3) A suspension under this section remains in force until revoked
19 by the Commissioner or until the firearm authority concerned is
20 cancelled, whichever happens first.
- 21 (4) The Commissioner may revoke a suspension under this section
22 at any time.
- 23 (5) The Commissioner must revoke a suspension under this section
24 if the Commissioner, having investigated whether the person
25 concerned is a fit and proper person to hold a firearm authority,
26 determines that the firearm authority should remain in force.

27 **200. Suspension for non-payment of fee**

- 28 (1) The Commissioner may suspend a firearm authority if the
29 Commissioner is satisfied that a fee payable under this Act for
30 or in connection with the grant, amendment or renewal of the
31 firearm authority has not been paid.

1 (2) A suspension under this section remains in force until revoked
2 by the Commissioner or until the firearm authority concerned is
3 cancelled, whichever happens first.

4 (3) The Commissioner may revoke a suspension under this section
5 at any time.

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

8 **201. Notice and taking effect of suspension**

9 (1) If the Commissioner suspends a firearm authority under this
10 Division, the Commissioner must give notice of the suspension
11 in writing to the holder of the firearm authority.

12 (2) Notice of the suspension must include a statement of the
13 Commissioner's reasons for the suspension.

14 (3) The suspension takes effect when notice of it is given to the
15 holder of the firearm authority or on a later date specified by the
16 Commissioner in the notice.

17 **202. Effect of suspension**

18 (1) A firearm authority is of no effect while it is suspended.

19 (2) A firearm authority must not be renewed while it is suspended
20 but the suspension does not prevent the making of an
21 application for renewal.

22 **203. Possession offence during suspension**

23 (1) In this section —
24 *possession offence* means an offence under Part 5 that a person
25 commits by possessing a firearm or related thing when not
26 authorised to do so by a firearm authority.

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- 1 (2) Proceedings cannot be taken against a person for a possession
2 offence in respect of a person's possession of a firearm or
3 related thing if that possession —
- 4 (a) would not have been an offence if a firearm authority
5 held by the person had not been suspended at the time;
6 and
- 7 (b) is possession in compliant storage.
- 8 (3) This section does not affect the taking of proceedings for —
- 9 (a) a possession offence in respect of a person's possession
10 of a firearm or related thing that is not possession in
11 compliant storage; or
- 12 (b) an offence in respect of the use of a firearm or related
13 thing.
- 14 (4) This section does not affect any power of a police officer to
15 seize a firearm or related thing in a person's possession if the
16 person is not entitled to lawful possession of it (even if that
17 possession is possession in compliant storage).

18 **Division 10 — Licence cards**

19 **204. Terms used**

20 In this Division —

21 *licence card* means a licence card issued under section 205;

22 *licensed person* means a person who —

23 (a) is the holder of a firearm authority; or

24 (b) has the benefit of an exemption under section 17;

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

1 **205. Issue of licence card**

2 (1) The Commissioner may issue a licence card to a licensed
3 person.

4 (2) The purpose of a licence card is to —

5 (a) identify the person to whom it is issued as the holder of
6 a relevant licence; and

7 (b) provide evidence of the authority conferred by the
8 relevant licence; and

9 (c) provide such information as the Commissioner thinks
10 appropriate about the authority conferred by or as a
11 result of a relevant licence (including information as to
12 the conditions of a relevant licence).

13 (3) A licence card must display —

14 (a) a photograph of the person to whom it is issued; and

15 (b) a sample of the person's signature.

16 (4) A licence card may be issued —

17 (a) in any format (including an electronic or digital format)
18 that the Commissioner considers appropriate; and

19 (b) in more than 1 format.

20 (5) A licence card issued to a person need not be described as a
21 licence card and can instead be described as the licence, permit,
22 approval or exemption in respect of which it is issued.

23 Note for this subsection:

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

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

1 **206. Duty to carry and produce licence card**

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

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

8 Penalty: a fine of \$2 000.

9 **207. Unlawful alteration of licence card**

10 (1) A person commits an offence if the person, without lawful
11 authority —

- 12 (a) alters a licence card; or
13 (b) uses, or has in their possession, a licence card that has
14 been altered without lawful authority.

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

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

19 **208. Fraudulent possession and use of licence card**

20 A person commits an offence if the person —

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

28 Penalty: a fine of \$5 000.

1 **209. Surrender of physical licence card**

2 (1) In this section —

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

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

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

10 (3) Subsection (2) does not require a person to surrender a physical
11 licence card after the expiry of the term of the relevant
12 licence —

13 (a) while an application for the renewal of the relevant
14 licence is permitted to be made; or

15 (b) if an application for renewal is made during that period,
16 until the application is determined or withdrawn.

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Part 5 — Firearm authority offences

Division 1 — Possession of firearms and major firearm parts

210. Unlawful possession of firearm or major firearm part

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

211. Offence of unlawful possession

A person who unlawfully possesses a firearm or major firearm part commits a crime.
Penalty: imprisonment for 5 years and a fine of \$60 000.
Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

212. Offence involving handgun or prohibited firearm

A person who unlawfully possesses a handgun or prohibited firearm, or a major firearm part of a handgun or prohibited firearm, commits a crime.
Penalty: imprisonment for 7 years.
Summary conviction penalty: imprisonment for 3 years and a fine of \$36 000.

213. Offence involving 3 or more firearms or major firearm parts

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

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

1 Penalty: imprisonment for 10 years.

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

4 **214. Offence involving 3 or more firearms or major firearm**
5 **parts: handgun or prohibited firearm**

6 A person commits a crime if the person unlawfully possesses
7 3 or more of any of the following things —

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

12 Penalty: imprisonment for 14 years.

13 **215. Offence while in immediate possession of prohibited drug or**
14 **prohibited plant**

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

21 Penalty: imprisonment for 14 years.

22 **216. Offence while in immediate possession of large sum of**
23 **money**

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

29 Penalty for this subsection: imprisonment for 14 years.

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

3 **Division 2 — Use of firearms**

4 **217. Unlawful use of firearm**

- 5 (1) A person must not use a firearm unless the person is authorised
6 to do so by a licence or permit.

- 7 (2) A reference in this Division to unlawful use of a firearm is a
8 reference to use of the firearm in contravention of
9 subsection (1).

10 **218. Offence of unlawful use**

11 A person who unlawfully uses a firearm commits a crime.

12 Penalty: imprisonment for 7 years.

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

15 **219. Offence of unlawful use: handgun or prohibited firearm**

16 A person who unlawfully uses a firearm that is a handgun or
17 prohibited firearm commits a crime.

18 Penalty: imprisonment for 10 years.

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

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

23 **Subdivision 1 — Supplying without authority**

24 **220. Supplying by unauthorised supplier**

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

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Division 3 Supplying and giving possession of firearms and major firearm parts

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

5 **221. Offence of unauthorised supply**

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

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

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

11 **222. Offence of unauthorised supply involving 3 or more**
12 **firearms or major firearm parts**

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

15 (a) firearms;

16 (b) major firearm parts for different firearms.

17 Penalty: imprisonment for 14 years.

18 **223. Offence of unauthorised supply involving handgun or**
19 **prohibited firearm**

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

23 Penalty: imprisonment for 7 years.

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

1 **Subdivision 2 — Supplying to unauthorised person**

2 **224. Supplying to unauthorised person**

3 (1) A person must not supply a firearm or major firearm part to
4 another person unless the other person is authorised to acquire
5 the firearm or major firearm part by a licence or permit.

6 (2) A reference in this Subdivision to supplying a firearm or major
7 firearm part to an unauthorised person is a reference to
8 supplying the firearm or major firearm part in contravention of
9 subsection (1).

10 (3) This section extends to the supply of a firearm or major firearm
11 part to a person who is outside the State and the regulations may
12 make provision for the circumstances in which a person outside
13 the State is taken for the purposes of this section to be
14 authorised by a licence or permit to acquire a firearm or major
15 firearm part.

16 **225. Offence of supplying to unauthorised person**

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

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

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

22 **226. Offence involving supply of handgun or prohibited firearm**

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

26 Penalty: imprisonment for 7 years.

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

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

2 **227. Giving possession to unauthorised person**

3 (1) A person must not give possession of a firearm or major firearm
4 part to another person unless the other person is authorised to
5 possess the firearm or major firearm part by a licence or permit.

6 (2) A reference in this Subdivision to giving possession of a firearm
7 or major firearm part to an unauthorised person is a reference to
8 giving possession of the firearm or major firearm part in
9 contravention of subsection (1).

10 (3) This section extends to the giving of possession of a firearm or
11 major firearm part to a person who is outside the State and the
12 regulations may make provision for the circumstances in which
13 a person outside the State is taken for the purposes of this
14 section to be authorised to possess a firearm or major firearm
15 part by a licence or permit.

16 **228. Offence of giving possession to unauthorised person**

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

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

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

22 **229. Offence involving giving possession of handgun or
23 prohibited firearm**

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

27 Penalty: imprisonment for 7 years.

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

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

3 **Subdivision 1 — Acquiring without authority**

4 **230. Acquiring by unauthorised person**

5 (1) A person must not acquire a firearm or major firearm part
6 unless the person is authorised to acquire the firearm or major
7 firearm part by a licence or permit.

8 (2) A reference in this Subdivision to acquiring a firearm or major
9 firearm part as an unauthorised person is a reference to
10 acquiring the firearm or major firearm part in contravention of
11 subsection (1).

12 **231. Offence of acquiring as unauthorised person**

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

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

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

18 **232. Offence involving acquiring handgun or prohibited firearm**

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

22 Penalty: imprisonment for 7 years.

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

1 **Subdivision 2 — Acquiring from unauthorised person**

2 **233. Acquiring from unauthorised person**

3 (1) A person must not acquire a firearm or major firearm part from
4 another person unless the other person is authorised to supply
5 the firearm or major firearm part by a licence or permit.

6 (2) A reference in this Subdivision to acquiring a firearm or major
7 firearm part from an unauthorised person is a reference to
8 acquiring a firearm or major firearm part in contravention of
9 subsection (1).

10 (3) This section extends to acquiring a firearm or major firearm part
11 from a person who is outside the State and the regulations may
12 make provision for the circumstances in which a person outside
13 the State is taken for the purposes of this section to be
14 authorised to supply a firearm or major firearm part by a licence
15 or permit.

16 **234. Offence of acquiring from unauthorised person**

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

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

20 **235. Offence involving handgun or prohibited firearm**

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

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

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

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

2 **236. Taking possession from unauthorised person**

3 (1) A person must not take possession of a firearm or major firearm
4 part from another person unless the other person is authorised to
5 possess the firearm or major firearm part by a licence or permit.

6 (2) A reference in this Subdivision to taking possession of a firearm
7 or major firearm part from an unauthorised person is a reference
8 to taking possession of a firearm or major firearm part in
9 contravention of subsection (1).

10 (3) This section extends to taking possession of a firearm or major
11 firearm part from a person who is outside the State and the
12 regulations may make provision for the circumstances in which
13 a person outside the State is taken for the purposes of this
14 section to be authorised to possess a firearm or major firearm
15 part by a licence or permit.

16 **237. Offence of taking possession from unauthorised person**

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

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

20 **238. Offence involving handgun or prohibited firearm**

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

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

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

Division 5 — Ammunition

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239. Unauthorised possession or acquisition of ammunition

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

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

240. Unauthorised possession or acquisition of prohibited ammunition

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

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

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

241. Supplying or giving possession of ammunition without authority

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

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

242. Supplying or giving possession of prohibited ammunition without authority

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

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

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

1 **243. Supplying or giving possession of ammunition to**
2 **unauthorised person**

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

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

8 (2) This section extends to the supplying or giving possession of
9 ammunition to a person who is outside the State and the
10 regulations may make provision for the circumstances in which
11 a person outside the State is taken for the purposes of this
12 section to be authorised by a licence or permit to possess
13 ammunition.

14 **244. Supplying or giving possession of prohibited ammunition to**
15 **unauthorised person**

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

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

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

24 (2) This section extends to the supplying or giving possession of
25 prohibited ammunition to a person who is outside the State and
26 the regulations may make provision for the circumstances in
27 which a person outside the State is taken for the purposes of this
28 section to be authorised by a licence or permit to possess
29 prohibited ammunition.

1 **245. Acquiring or taking possession of ammunition from**
2 **unauthorised person**

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

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

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

14 **246. Acquiring or taking possession of prohibited ammunition**
15 **from unauthorised person**

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

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

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

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

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Division 6 — Ammunition components

247. Terms used

In this Division —

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

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

Note for this definition:

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

248. Unauthorised possession of ammunition component for purpose of manufacturing ammunition

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

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

249. Unauthorised possession of ammunition component for purpose of manufacturing prohibited ammunition

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

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

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

1 **250. Unauthorised supply of unassembled components of**
2 **ammunition**

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

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

8 **251. Unauthorised supply of unassembled components of**
9 **prohibited ammunition**

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

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

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

17 **252. Supplying or giving possession of unassembled components**
18 **of ammunition to unauthorised person**

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

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

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

1 **253. Supplying or giving possession of unassembled components**
2 **of prohibited ammunition to unauthorised person**

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

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

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

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

17 **254. Unauthorised possession of unassembled components of**
18 **ammunition**

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

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

23 **255. Unauthorised possession of unassembled components of**
24 **prohibited ammunition**

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

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

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

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Division 7 — Prohibited accessories

256. Unauthorised possession, acquisition or supply of prohibited accessory

(1) In this section —

circumstances of aggravation means circumstances in which —

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

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

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

suitable for means —

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

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

1 (3) A person who contravenes subsection (2) commits a crime.
2 Penalty for this subsection: imprisonment for 5 years and a fine
3 of \$60 000.

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

6 (4) A person who contravenes subsection (2) in circumstances of
7 aggravation commits a crime.

8 Penalty for this subsection: imprisonment for 7 years.

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

11 (5) A person who contravenes subsection (2) in circumstances of
12 aggravation involving a handgun or prohibited firearm commits
13 a crime.

14 Penalty for this subsection: imprisonment for 10 years.

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

17 (6) A person who contravenes subsection (2) by possessing or
18 supplying 3 or more prohibited accessories commits a crime.

19 Penalty for this subsection: imprisonment for 10 years.

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

22 **257. Unauthorised use of firearm fitted with prohibited accessory**

23 (1) A person who uses a firearm with a prohibited accessory fitted
24 to it commits a crime unless the person is authorised to do so by
25 a licence.

26 Penalty for this subsection: imprisonment for 10 years.

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

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

4 Penalty for this subsection: imprisonment for 14 years.

5 **258. Acquiring or taking possession of prohibited accessory from**
6 **unauthorised person**

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

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

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

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

21 **259. Supplying or giving possession of prohibited accessory to**
22 **unauthorised person**

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

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

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

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

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

8 **260. Unlawful interference with serial number**

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

13 **261. Offence of unlawful interference with serial number**

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

16 Penalty: imprisonment for 7 years.

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

19 **262. Offence of unlawful interference with serial number:
20 handgun or prohibited firearm**

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

24 Penalty: imprisonment for 10 years.

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

1 **263. Offence of possession where serial number unlawfully**
2 **interfered with**

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

7 Penalty: imprisonment for 7 years.

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

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

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

17 Penalty: imprisonment for 10 years.

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

20 **265. Offence of acquiring firearm or major firearm part where**
21 **serial number unlawfully interfered with**

22 A person who acquires a firearm or major firearm part in
23 contravention of section 230(1) commits a crime if any serial
24 number on the firearm or major firearm part has been
25 unlawfully interfered with, whether by the person or another
26 person.

27 Penalty: imprisonment for 7 years.

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

1 **266. Offence of acquiring firearm or major firearm part where**
2 **serial number unlawfully interfered with: handgun or**
3 **prohibited firearm**

4 A person who acquires a handgun or prohibited firearm, or a
5 major firearm part of a handgun or prohibited firearm, in
6 contravention of section 230(1) commits a crime if any serial
7 number on the firearm or major firearm part has been
8 unlawfully interfered with, whether by the person or another
9 person.

10 Penalty: imprisonment for 10 years.

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

13 **267. Offence of unauthorised supply where serial number**
14 **unlawfully interfered with**

15 A person who supplies a firearm or major firearm part in
16 contravention of section 220(1) commits a crime if any serial
17 number on the firearm or major firearm part has been
18 unlawfully interfered with, whether by the person or another
19 person.

20 Penalty: imprisonment for 7 years.

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

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

25 A person who supplies a handgun or prohibited firearm, or a
26 major firearm part of a handgun or prohibited firearm, in
27 contravention of section 220(1) commits a crime if any serial
28 number on the firearm or major firearm part has been
29 unlawfully interfered with, whether by the person or another
30 person.

1 Penalty: imprisonment for 10 years.

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

4 **Division 9 — Prohibited alterations**

5 **269. Prohibited alteration to firearm or major firearm part**

6 (1) For the purposes of this Division, an alteration to a firearm or
7 major firearm part is a *prohibited alteration* if it is an alteration
8 made without lawful excuse that alters any of the following
9 features or parts of the firearm —

- 10 (a) calibre;
- 11 (b) barrel length or barrel profile;
- 12 (c) stock length;
- 13 (d) trigger mechanism;
- 14 (e) magazine capacity of an integral magazine;
- 15 (f) action or operating mechanism;
- 16 (g) any feature or part that is prescribed by the regulations.

17 (2) The fact that an alteration to a firearm or major firearm part is
18 made in the course of maintenance of the firearm or major
19 firearm part does not prevent the alteration being a *prohibited*
20 *alteration*.

21 (3) An alteration made to a firearm or major firearm is not a
22 *prohibited alteration* if the alteration is made under the
23 authority of a licence.

24 Note for this subsection:

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

27 (4) An alteration made to a paintball gun is not a *prohibited*
28 *alteration* if the alteration is —

- 29 (a) in accordance with the manufacturer's design; and

- 1 (b) effected by the addition of a commercially manufactured
2 product that does not alter the type or velocity of a
3 projectile that is capable of being fired from the
4 paintball gun.

5 **270. Offence of making prohibited alteration**

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

8 Penalty: imprisonment for 10 years.

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

11 **271. Offence of making prohibited alteration: handgun or**
12 **prohibited firearm**

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

15 (a) the firearm is a handgun or prohibited firearm or the
16 major firearm part is a major firearm part of a handgun
17 or prohibited firearm; or

18 (b) the prohibited alteration results in the firearm being a
19 handgun or prohibited firearm or in the major firearm
20 part being a major firearm part of a handgun or
21 prohibited firearm.

22 Penalty: imprisonment for 14 years.

23 **272. Offence of possession of firearm or major firearm part with**
24 **prohibited alteration**

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

29 Penalty: imprisonment for 7 years.

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

1 **273. Offence of possession of firearm or major firearm part with**
2 **prohibited alteration: handgun or prohibited firearm**

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

8 Penalty: imprisonment for 10 years.

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

11 **274. Offence of acquiring firearm or major firearm part with**
12 **prohibited alteration**

13 A person who acquires a firearm or major firearm part in
14 contravention of section 230(1) commits a crime if a prohibited
15 alteration has been made to the firearm or major firearm part,
16 whether by the person or another person.

17 Penalty: imprisonment for 7 years.

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

20 **275. Offence of acquiring firearm or major firearm part with**
21 **prohibited alteration: handgun or prohibited firearm**

22 A person who acquires a handgun or prohibited firearm, or a
23 major firearm part of a handgun or prohibited firearm, in
24 contravention of section 230(1) commits a crime if a prohibited
25 alteration has been made to the firearm or major firearm part,
26 whether by the person or another person.

27 Penalty: imprisonment for 10 years.

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

1 **276. Offence of unauthorised supply of firearm or major firearm**
2 **part with prohibited alteration**

3 A person who supplies a firearm or major firearm part in
4 contravention of section 220(1) commits a crime if a prohibited
5 alteration has been made to the firearm or major firearm part,
6 whether by the person or another person.

7 Penalty: imprisonment for 7 years.

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

10 **277. Offence of unauthorised supply of firearm or major firearm**
11 **part with prohibited alteration: handgun or prohibited**
12 **firearm**

13 A person who supplies a handgun or prohibited firearm, or a
14 major firearm part of a handgun or prohibited firearm, in
15 contravention of section 220(1) commits a crime if a prohibited
16 alteration has been made to the firearm or major firearm part,
17 whether by the person or another person.

18 Penalty: imprisonment for 10 years.

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

21 **Division 10 — Other activities**

22 **278. Unauthorised manufacture**

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

25 Penalty for this subsection: imprisonment for 14 years.

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

1 **279. Unauthorised repair**

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

4 Penalty: imprisonment for 10 years.

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

7 **280. Unauthorised destruction of firearm, major firearm part or**
8 **prohibited accessory**

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

12 Penalty: imprisonment for 7 years.

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

15 **281. Participating in unauthorised firearm activities**

16 (1) In this section —

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

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

21 *unauthorised supply activity* means the supply of a firearm or
22 related thing that constitutes an offence under section 222.

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

25 Penalty for this subsection: imprisonment for 14 years.

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

28 Penalty for this subsection: imprisonment for 10 years.

- 1 Summary conviction penalty for this subsection: imprisonment
2 for 3 years and a fine of \$36 000.
- 3 (4) For the purposes of this section, a person participates in an
4 activity if the person does any of the following —
- 5 (a) participates with another person or other persons in the
6 activity or a step in the activity;
 - 7 (b) causes the activity or a step in the activity to be
8 undertaken by another person or other persons;
 - 9 (c) provides or arranges finance for the activity or a step in
10 the activity to be undertaken by another person or other
11 persons;
 - 12 (d) provides the place where the activity or a step in the
13 activity is undertaken by another person or other
14 persons;
 - 15 (e) allows the activity or a step in the activity to be
16 undertaken by another person or other persons at a place
17 of which the person is an owner, lessee or occupier or of
18 which the person has care, control or management;
 - 19 (f) possesses or provides firearm technology or any other
20 thing for use by another person or other persons in the
21 activity or a step in the activity.
- 22 (5) This section applies regardless of whether the activity
23 concerned actually occurs.

24 **Division 11 — Firearm technology**

25 **282. Terms used**

26 In this Division —

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

- 28 (a) send, supply, exhibit, transmit or communicate firearm
29 technology to another person; or
- 30 (b) make firearm technology available for access by
31 electronic or other means by another person; or

- 1 (c) enter into an arrangement with another person to do
2 anything referred to in paragraph (a) or (b);

3 ***firearm technology*** means any of the following things —

- 4 (a) a programmed firearm manufacturing device;
5 (b) a technical drawing, in hard copy or digital or electronic
6 form, of the design of a firearm or related thing;
7 (c) a plan, drawing, instruction, template or computer
8 program, in hard copy or digital or electronic form, for
9 the manufacture or repair of a firearm or related thing;

10 ***programmed firearm manufacturing device*** means any
11 machine, equipment or other device that is programmed,
12 configured or otherwise enabled to manufacture or repair, or to
13 carry out a step in the manufacture or repair of, a firearm or
14 related thing or a component of a firearm or related thing.

15 Examples for this definition:

16 Examples of things that can be a programmed firearm manufacturing
17 device include the following —

- 18 (a) a 3D printer or a similar device that uses additive
19 manufacturing technology;
20 (b) milling equipment;
21 (c) moulding or casting equipment.

22 **283. Unauthorised possession of firearm technology**

23 A person who possesses firearm technology commits a crime
24 unless the person —

- 25 (a) is authorised to do so by a licence or permit; or
26 (b) does so for a lawful purpose.

27 Penalty: imprisonment for 10 years.

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

1 **284. Unauthorised creation or development of firearm**
2 **technology**

3 A person who creates or develops firearm technology commits a
4 crime unless the person —

- 5 (a) is authorised to do so by a licence or permit; or
- 6 (b) does so for a lawful purpose.

7 Penalty: imprisonment for 10 years.

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

10 **285. Unauthorised dissemination of firearm technology**

11 A person who disseminates firearm technology commits a crime
12 unless the person —

- 13 (a) is authorised to do so by a licence or permit; or
- 14 (b) does so for a lawful purpose.

15 Penalty: imprisonment for 10 years.

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

18 **Division 12 — Offences of lesser seriousness**

19 **286. Offence committed during licence renewal period**

20 (1) If a person does something that is an offence under this Part but
21 the offence was committed in extenuating circumstances as
22 provided by subsection (2), the offence is not a crime but is
23 triable summarily and is punishable by a fine of \$5 000 instead
24 of the penalty that would otherwise apply for the offence.

25 (2) An offence is committed in extenuating circumstances if the
26 offence —

- 27 (a) is committed after the end of the term of the person’s
28 Individual Licence or Collector Licence but during the

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- 1 renewal period for the licence provided for by
2 subsection (3); and
- 3 (b) would not be an offence if the licence had been renewed
4 immediately after the end of the term of the licence.
- 5 (3) The renewal period for a licence is the period that begins at the
6 end of the term of the licence and ends as follows —
- 7 (a) if an application for renewal of the licence is made
8 within 3 months after the end of the term of the licence,
9 the renewal period ends when the application for
10 renewal is determined or otherwise disposed of or is
11 withdrawn;
- 12 (b) otherwise, the renewal period ends 3 months after the
13 end of the term of the licence.
- 14 Note for this subsection:
- 15 Section 183 provides that proceedings (including the summary
16 proceedings referred to in this section) cannot be brought for a
17 possession in compliant storage offence during the renewal period.

18 **287. Offence involving prescribed paintball gun**

19 If a person commits an offence under this Part and the only
20 firearm, major firearm part or ammunition concerned is, or is
21 for, a prescribed paintball gun, that offence is not a crime but is
22 triable summarily and is punishable by a fine of \$5 000 instead
23 of the penalty that would otherwise apply for the offence.

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Part 6 — Other offences

Division 1 — Firearm use by autonomous or remote control

288. Term used: remote use device

In this Division —
remote use device, for a firearm, means a device that is made or modified to fire a firearm by means of autonomous or remote control, whether or not a firearm is part of, attached to, or with the device.

289. Offence of possessing remote use device

A person who possesses a remote use device for a firearm commits a crime.
Penalty: imprisonment for 10 years.

290. Offence of using remote use device

A person who uses a remote use device for a firearm to cause a firearm to be pointed at a person or fired commits a crime.
Penalty: imprisonment for 14 years.

291. Offence of manufacturing remote use device

A person who manufactures a remote use device for a firearm commits a crime.
Penalty: imprisonment for 10 years.

292. Regulations: exceptions to offence under Division

The regulations may provide for exceptions to an offence under this Division.

1

Division 2 — General offences

2

293. Pointing firearm at another person

3

- (1) A person who, without lawful excuse, points a firearm at any other person commits a crime.

4

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Penalty for this subsection: imprisonment for 7 years.

6

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

7

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- (2) A person who, without lawful excuse, points a handgun or prohibited firearm at any other person commits a crime.

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10

Penalty for this subsection: imprisonment for 10 years.

11

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

12

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- (3) Pointing a prescribed paintball gun at another person in the course of playing a game of paintball is not an offence under subsection (1).

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294. Use of firearm that causes danger or fear

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- (1) A person who fires a firearm to the danger of, or in a manner likely to cause fear to, the public or any person commits a crime.

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Penalty for this subsection: imprisonment for 10 years.

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

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23

- (2) A person who fires a handgun or prohibited firearm to the danger of, or in a manner likely to cause fear to, the public or any person commits a crime.

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Penalty for this subsection: imprisonment for 14 years.

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- 1 **295. Giving possession of firearm or related thing to unsuitable**
2 **person**
- 3 (1) In this section —
- 4 *unsuitable person* means a person who is —
- 5 (a) affected by alcohol or drugs, or by alcohol and drugs; or
- 6 (b) not capable for any reason of the safe use of a firearm.
- 7 (2) A person who gives possession of a firearm to another person
- 8 commits a crime if the person knows, or ought reasonably to
- 9 know, that the other person is an unsuitable person.
- 10 Penalty for this subsection: imprisonment for 7 years.
- 11 Summary conviction penalty for this subsection: imprisonment
- 12 for 3 years and a fine of \$36 000.
- 13 (3) A person who gives possession of a handgun or prohibited
- 14 firearm to another person commits a crime if the person knows,
- 15 or ought reasonably to know, that the other person is an
- 16 unsuitable person.
- 17 Penalty for this subsection: imprisonment for 10 years.
- 18 Summary conviction penalty for this subsection: imprisonment
- 19 for 3 years and a fine of \$36 000.
- 20 (4) A person who gives possession of a loaded firearm to another
- 21 person commits a crime if the person knows, or ought
- 22 reasonably to know, that the other person is an unsuitable
- 23 person.
- 24 Penalty for this subsection: imprisonment for 10 years.
- 25 Summary conviction penalty for this subsection: imprisonment
- 26 for 3 years and a fine of \$36 000.
- 27 (5) A person who gives possession of a loaded handgun or loaded
- 28 prohibited firearm to another person commits a crime if the
- 29 person knows, or ought reasonably to know, that the other
- 30 person is an unsuitable person.
- 31 Penalty for this subsection: imprisonment for 14 years.

1 (6) A person who gives possession of a major firearm part or
2 ammunition to another person commits a crime if the person
3 knows, or ought reasonably to know, that the other person is an
4 unsuitable person.

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

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

9 **296. Use or possession of firearm while intoxicated**

10 (1) A person must not have immediate possession of a firearm
11 while affected by alcohol or drugs, or alcohol and drugs.

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

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

16 (2) A person must not use a firearm while affected by alcohol or
17 drugs, or alcohol and drugs.

18 Penalty for this subsection: imprisonment for 7 years.

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

21 (3) A person must not use a handgun or prohibited firearm while
22 affected by alcohol or drugs, or alcohol and drugs.

23 Penalty for this subsection: imprisonment for 14 years.

24 (4) An offence under this section is a crime.

25 Note for this section:

26 Under section 7, use of a firearm includes having a firearm in
27 immediate possession when it is loaded.

1 **297. Shooting onto, from or across road or public place**

2 (1) In this section —
3 *public place* has the meaning given in *The Criminal Code*
4 section 1(1).

5 (2) A person who, without lawful excuse, fires any firearm, or any
6 projectile from a firearm, onto, from or across any road or
7 public place commits a crime.

8 Penalty for this subsection: imprisonment for 7 years.
9 Summary conviction penalty for this subsection: imprisonment
10 for 3 years and a fine of \$36 000.

11 **298. Using or carrying firearm while trespassing**

12 (1) A person who, without lawful excuse, uses a firearm on land
13 belonging to another person without the express consent of the
14 occupier of that land, or some person apparently authorised to
15 act on behalf of the occupier, commits an offence.

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

18 (2) A person who, without lawful excuse, carries a firearm, other
19 than on a road open to the public, onto or across land that is
20 used for or in connection with primary production without the
21 express consent of the occupier of that land, or some person
22 apparently authorised to act on behalf of the occupier, commits
23 an offence.

24 Penalty for this subsection: imprisonment for 2 years and a fine
25 of \$24 000.

26 (3) Using or carrying a firearm for the purposes of an activity
27 authorised under the *Biodiversity Conservation Act 2016* is not a
28 lawful excuse for the purposes of subsection (1) or (2).

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Part 7 — Security and storage

299. Terms used

In this Part —

approved storage place, in relation to a firearm or related thing, means a place approved by the Commissioner under section 300(1) as an approved storage place for the firearm or related thing;

compliant storage, in relation to a firearm or related thing, means storage, at an approved storage place for the firearm or related thing, in compliance with requirements of the storage regulations;

safekeeping includes safeguarding from loss, theft and unauthorised possession and use;

storage regulations means regulations referred to in section 310.

300. Approval of storage places by Commissioner

- (1) The Commissioner may approve a place as an approved storage place for a firearm or related thing.
- (2) The Commissioner may approve a place as an approved storage place under subsection (1) without the need for an application for that approval.

301. Firearm or related thing in use

For the purposes of this Part, a firearm or related thing is *in use* when —

- (a) it is being used lawfully; or
- (b) it is being readied for lawful use; or
- (c) it is in a person’s immediate possession for lawful use.

1 **302. Firearm or related thing in transit**

2 For the purposes of this Part, a firearm or related thing is *in*
3 *transit* whenever it is not at an approved storage place for the
4 firearm or related thing.

5 **303. General duty of safekeeping of firearms and related things**

- 6 (1) A person in possession of a firearm or related thing must —
7 (a) take all reasonable precautions to ensure its safekeeping;
8 and
9 (b) comply with any requirements of the regulations for the
10 safekeeping of firearms and related things.

11 Penalty for this subsection:

- 12 (a) for a first offence, a fine of \$5 000;
13 (b) for a second or subsequent offence, imprisonment for
14 12 months and a fine of \$12 000.

- 15 (2) Storing a firearm or related thing in compliant storage is taken
16 to constitute compliance with the requirement (under
17 subsection (1)(a)) to take all reasonable precautions to ensure
18 the safekeeping of the firearm or related thing.

19 **304. Storage in compliant storage**

- 20 (1) A person in possession of a firearm or related thing must store
21 the firearm or related thing in compliant storage at all times
22 except when —
23 (a) the firearm or related thing is in use; or
24 (b) the firearm or related thing is in transit; or
25 (c) the firearm or related thing is in a person's immediate
26 possession while undergoing maintenance.

27 Penalty for this subsection:

- 28 (a) for a first offence, a fine of \$5 000;
29 (b) for a second or subsequent offence, imprisonment for
30 12 months and a fine of \$12 000.

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- 1 (2) For the purposes of subsection (1)(c), *maintenance* includes the
2 following —
- 3 (a) care, cleaning and adjustment;
- 4 (b) removal or installation of an accessory;
- 5 (c) the making of an approved repair or approved alteration
6 under the authority of a licence as provided by
7 section 118.
- 8 (3) A person in possession of a firearm or related thing under the
9 authority of a Trade Licence is not required to store the firearm
10 or related thing in compliant storage when it is in a person's
11 immediate possession under the authority of the licence.
- 12 (4) A person in possession of a firearm or related thing under the
13 authority of a Collector Licence is not required to store the
14 firearm or related thing in compliant storage when it is in a
15 person's immediate possession while being examined or studied
16 for a genuine purpose of the collection concerned.

17 **305. Security arrangements for firearms and related things in**
18 **transit**

- 19 (1) A person in possession of a firearm or related thing that is in
20 transit and not in use must comply with the following
21 requirements —
- 22 (a) a firearm must not be loaded;
- 23 (b) a firearm must be secured against unauthorised use by a
24 means prescribed by the regulations;
- 25 (c) when a firearm or related thing is not in the person's
26 immediate possession it must be stored in a location that
27 is the best location for ensuring its safekeeping that is
28 reasonably available to the person;
- 29 (d) the requirements of section 306 (in addition to the
30 requirements of paragraphs (a) to (c)) when a firearm or
31 related thing is in a vehicle;
- 32 (e) any requirements of the regulations.

- 1 Penalty for this subsection:
- 2 (a) for a first offence, a fine of \$5 000;
- 3 (b) for a second or subsequent offence, imprisonment for
- 4 12 months and a fine of \$12 000.
- 5 (2) This section does not apply to a person in possession of a
- 6 firearm or related thing while —
- 7 (a) engaged in a commercial firearm transport activity as a
- 8 commercial carrier, as those terms are defined in
- 9 section 313; or
- 10 (b) engaged in commercial firearm warehousing as a
- 11 commercial warehouse operator, as those terms are
- 12 defined in section 314.
- 13 **306. Security arrangements for firearms and related things in**
- 14 **transit in vehicle**
- 15 (1) When a firearm or related thing is in transit in a vehicle and not
- 16 in use, the following requirements apply (in addition to the other
- 17 requirements of section 305(1)) —
- 18 (a) a firearm or related thing must be in a place in the
- 19 vehicle that is the best place for ensuring its safekeeping
- 20 that is reasonably available;
- 21 (b) a firearm must be kept separate from any related thing in
- 22 the vehicle;
- 23 (c) the vehicle must not be left unattended unless the
- 24 vehicle is securely locked and any firearm or related
- 25 thing is not visible from outside the vehicle;
- 26 (d) any requirements of the regulations.
- 27 (2) This section does not apply to a person in possession of a
- 28 firearm or related thing while —
- 29 (a) engaged in a commercial firearm transport activity as a
- 30 commercial carrier, as those terms are defined in
- 31 section 313; or

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- 1 (b) engaged in commercial firearm warehousing as a
2 commercial warehouse operator, as those terms are
3 defined in section 314.

4 **307. Licensee has obligations of person in possession**

5 For the purposes of the application of this Part to a firearm or
6 related thing to which a licence applies, the licensee is taken to
7 be in possession of the firearm or related thing whenever no
8 other person is in possession of it.

9 **308. 2 or more persons are in possession**

10 When 2 or more persons are in possession of a firearm or
11 related thing, the obligations under this Part of a person in
12 possession of the firearm or related thing are the obligations of
13 whichever of those persons is, or was most recently, in
14 immediate possession of the firearm or related thing.

15 **309. Shared compliant storage**

16 (1) A firearm or related thing is stored in *shared compliant storage*
17 when —

18 (a) it is stored at a place and in a manner that is compliant
19 storage or that would be compliant storage if the place
20 were an approved storage place for the firearm or related
21 thing; and

22 (b) 2 or more persons have and exercise access to it while it
23 is stored at that place in that manner.

24 (2) A person who has lawful possession of a firearm or related thing
25 stored in shared compliant storage is not to be regarded as being
26 in possession of another firearm or related thing that is stored in
27 that shared compliant storage if —

28 (a) the person's possession of the other firearm or related
29 thing would be unlawful; and

30 (b) the other firearm or related thing is in the lawful
31 possession of another person.

- 1 (3) The regulations may make provision for the shared compliant
2 storage of firearms and related things, including provision for
3 the following —
- 4 (a) limiting the circumstances in which firearms and related
5 things are permitted to be stored in shared compliant
6 storage;
- 7 (b) imposing additional requirements in respect of the
8 storage of firearms and related things in shared
9 compliant storage.

10 **310. Regulations: storage**

- 11 (1) The regulations may make provision for or with respect to the
12 storage of firearms and related things, including provision for
13 the following —
- 14 (a) requirements as to how a firearm or related thing must
15 be stored, including requirements as to the design,
16 construction, placement and fixing of storage facilities;
- 17 (b) requirements for security arrangements on premises to
18 be used for the storage of firearms and related things,
19 including requirements for security alarms, premises
20 surveillance and surveillance monitoring.
- 21 (2) The regulations may prescribe circumstances in which a firearm
22 or related thing is not required to be stored in compliant storage.

23 **311. Inspection of storage facilities**

24 A person who holds a firearm authority must permit a police
25 officer to inspect at any reasonable time any facilities used or
26 proposed to be used by the person for the storage of a firearm or
27 related thing the possession of which is authorised by the
28 firearm authority.

29 Penalty:

- 30 (a) for a first offence, a fine of \$5 000;

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- 1 (b) for a second or subsequent offence, imprisonment for
2 12 months and a fine of \$12 000.

3 **312. Grounds for refusal or cancellation of firearm authority —**
4 **storage arrangements and facilities**

5 The Commissioner may refuse to grant, and may cancel or
6 refuse to renew, a firearm authority that authorises a person to
7 possess a firearm or related thing if —

- 8 (a) the Commissioner is not satisfied that arrangements or
9 facilities for storage of the firearm or related thing are
10 adequate to enable the firearm or related thing to be
11 stored in compliance with section 304; or
12 (b) the applicant for or holder of the firearm authority has
13 failed to comply with a request by the Commissioner to
14 provide a statement in the approved form as to
15 arrangements or facilities for storage of the firearm or
16 related thing; or
17 (c) the applicant for or holder of the firearm authority has
18 refused to permit a police officer to inspect, at a
19 reasonable time, facilities for storage of the firearm or
20 related thing.

21 **313. Commercial transport of firearms and related things**

22 (1) In this section —

23 *commercial carrier* means a person engaged in the business of
24 transporting goods for fee or reward;

25 *commercial firearm transport activity* means any of the
26 following activities —

- 27 (a) making arrangements with a commercial carrier for the
28 transport of a firearm or related thing by the commercial
29 carrier;
30 (b) giving possession of a firearm or related thing to a
31 commercial carrier for the purpose of its being
32 transported by the commercial carrier;

- 1 (c) taking possession of a firearm or related thing as a
2 commercial carrier or as an employee of a commercial
3 carrier;
- 4 (d) transporting a firearm or related thing as a commercial
5 carrier or as an employee of a commercial carrier.
- 6 (2) A person who engages in a commercial firearm transport
7 activity must do so in compliance with the requirements of the
8 regulations under this section.
- 9 Penalty for this subsection:
- 10 (a) for a first offence, a fine of \$5 000;
- 11 (b) for a second or subsequent offence, imprisonment for
12 12 months and a fine of \$12 000.
- 13 (3) The regulations may make provision for or with respect to the
14 requirements that must be complied with by a person in
15 connection with a commercial firearm transport activity.
- 16 (4) A commercial carrier is taken to hold a licence that authorises
17 the commercial carrier and any employee of the commercial
18 carrier to possess a firearm or related thing for the purpose of its
19 transport in the ordinary course of the business of the
20 commercial carrier.
- 21 **314. Commercial warehousing of firearms and related things**
- 22 (1) In this section —
- 23 *commercial warehouse operator* means a person engaged in the
24 business of storing goods as a bailee for hire or reward, other
25 than a business that is solely or primarily a business of storing
26 firearms or related things;
- 27 *commercial firearm warehousing* means the storage of a
28 firearm or related thing in the ordinary course of the business of
29 a commercial warehouse operator.

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- 1 (2) A person who engages in commercial firearm warehousing must
2 do so in compliance with the requirements of the regulations
3 under this section.
- 4 Penalty for this subsection:
- 5 (a) for a first offence, a fine of \$5 000;
6 (b) for a second or subsequent offence, imprisonment for
7 12 months and a fine of \$12 000.
- 8 (3) The regulations may make provision for or with respect to the
9 requirements that must be complied with by a person in
10 connection with commercial firearm warehousing.
- 11 (4) A commercial warehouse operator is taken to hold a licence that
12 authorises the commercial warehouse operator and any
13 employee of the commercial warehouse operator to possess a
14 firearm or related thing for the purpose of its storage in the
15 ordinary course of the business of the commercial warehouse
16 operator.

1 **Part 8 — Firearms prohibition orders**

2 **Division 1 — Making of firearms prohibition order**

3 **315. Commissioner may make firearms prohibition order**

4 (1) The Commissioner may make an order (a *firearms prohibition*
5 *order*) against a person if the Commissioner is satisfied that —

- 6 (a) the person is not a fit and proper person to hold a
7 firearm authority; or
- 8 (b) possession of a firearm by the person would likely result
9 in unlawful use of the firearm by the person or another
10 person; or
- 11 (c) the person is a member of a disqualifying organisation;
12 or
- 13 (d) it is otherwise in the public interest to make a firearms
14 prohibition order against the person.

15 (2) Without limiting the matters to which the Commissioner may
16 have regard in determining whether to make a firearms
17 prohibition order against a person, the Commissioner may have
18 regard to any intelligence report or other intelligence
19 information held by the Commissioner in relation to the person.

20 (3) A firearms prohibition order can be made against a person
21 whether or not the person —

- 22 (a) holds or has held a firearm authority; or
- 23 (b) has had a firearm authority cancelled or an application
24 for renewal of a firearm authority refused; or
- 25 (c) is exempt from the operation of any provision of this
26 Act under section 17; or
- 27 (d) was the subject of a previous firearms prohibition order
28 that has expired or been revoked.

- 1 (4) Part 4 Division 2 applies for the purposes of a decision by the
2 Commissioner under this section that a person is not a fit and
3 proper person to hold a firearm authority.
- 4 (5) The Commissioner is not required under this Act or any other
5 Act or law to disclose an intelligence report or other intelligence
6 information on which the Commissioner has relied under this
7 section unless the disclosure is required under the *State*
8 *Administrative Tribunal Act 2004*.

9 **316. Form and content of firearms prohibition order**

- 10 (1) A firearms prohibition order must be in the approved form.
- 11 (2) A firearms prohibition order must specify the following —
- 12 (a) the name and date of birth of the person against whom
13 the order is made;
- 14 (b) the date on which the order is made;
- 15 (c) the provision of this Act that authorises the making of
16 the order;
- 17 (d) that the order remains in effect for a period of 10 years
18 beginning on the day on which the order is served,
19 unless revoked sooner;
- 20 (e) the effect of the order, including the conduct prohibited
21 by the order and the powers for enforcing the order
22 under this Part and Part 11 Division 2;
- 23 (f) that if the person against whom the order is made
24 changes their address, the person must notify the
25 Commissioner within 7 days after that change;
- 26 (g) that the person against whom the order is made can
27 apply to the State Administrative Tribunal under this
28 Act for a review of the decision to make the order;
- 29 (h) any other information prescribed by the regulations.

1 **317. Register of firearms prohibition orders**

- 2 (1) The Commissioner must maintain a register (the *FPO Register*)
3 of firearms prohibition orders made and served under this Act
4 containing such information as the Commissioner thinks
5 appropriate.
- 6 (2) Information in the FPO Register may be disclosed to an
7 approved person in an approved manner.

8 **Division 2 — Service of firearms prohibition order**

9 **318. Manner of service**

- 10 (1) The Commissioner must ensure that a firearms prohibition order
11 is served on the person against whom the order is made in
12 accordance with subsection (2).
- 13 (2) To serve a firearms prohibition order on a person, a police
14 officer must —
- 15 (a) hand the order to the person; or
16 (b) if the person refuses to accept the order — leave it near
17 the person and orally draw the person’s attention to it.

18 **319. Powers to request particulars and detain for purposes of**
19 **service**

- 20 (1) If a police officer reasonably suspects that someone is a person
21 on whom a firearms prohibition order is required to be served,
22 the police officer may do any 1 or more of the following —
- 23 (a) direct the person to stop;
24 (b) direct the person to provide their personal details;
25 (c) direct the person to remain at a particular place for as
26 long as is reasonably necessary (but no longer than
27 2 hours) to serve the firearms prohibition order;
28 (d) direct the person to accompany the police officer to the
29 nearest police station or some other place and remain
30 there for as long as is reasonably necessary (but no

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- 1 longer than 2 hours) to serve the firearms prohibition
2 order.
- 3 (2) If a police officer reasonably suspects that a personal detail
4 given by a person in response to a direction under
5 subsection (1)(b) is false, the police officer may direct the
6 person to produce evidence of its correctness.
- 7 (3) If a person fails to comply with a direction under subsection (1)
8 or (2), the police officer may do either or both of the
9 following —
- 10 (a) detain the person at the place at which the direction is
11 given for as long as is reasonably necessary (but no
12 longer than 2 hours) to serve the notice;
- 13 (b) take the person to another place (including a police
14 station) and detain the person at that place for as long as
15 is reasonably necessary (but no longer than 2 hours) to
16 serve the firearms prohibition order.
- 17 (4) A person who is directed to remain or is detained at a place, or
18 who is accompanying, or being taken by, a police officer to a
19 place, under this section when the person is not under arrest is
20 taken to be in lawful custody.
- 21 (5) If a person accompanies, or is taken by, a police officer to a
22 police station or other place following a direction under this
23 section, the police officer must ensure that the person is taken
24 back to the place at which the direction was made, or to a place
25 near that place, unless the person requests otherwise or it is not
26 practicable to do so.

27 **320. Offence of failing to comply with directions for service**

- 28 (1) A person who, without lawful excuse, fails to comply with a
29 direction of a police officer under section 319(1) or (2) commits
30 an offence.

31 Penalty for this subsection: imprisonment for 12 months and a
32 fine of \$12 000.

1 (2) A person who is directed by a police officer under
2 section 319(1)(b) to provide their personal details commits an
3 offence if the person provides any personal detail that is false or
4 misleading in a material particular.

5 Penalty for this subsection: imprisonment for 12 months and a
6 fine of \$12 000.

7 (3) A person who is directed by a police officer under
8 section 319(2) to produce evidence of the correctness of a
9 personal detail commits an offence if the person —

10 (a) without lawful excuse, fails to comply with the
11 direction; or

12 (b) produces evidence that is false or misleading in a
13 material particular.

14 Penalty for this subsection: imprisonment for 12 months and a
15 fine of \$12 000.

16 **321. Proof of service**

17 (1) As soon as practicable after a police officer serves a firearms
18 prohibition order, the police officer must complete a certificate
19 of service.

20 (2) The certificate must state that, on the day and at the time and
21 place stated in the certificate, the police officer giving the
22 certificate served the firearms prohibition order in accordance
23 with section 318(2).

24 (3) The certificate must state the full name of the person served.

25 (4) A certificate of service under this section is, in the absence of
26 evidence to the contrary, sufficient proof of service of the
27 firearms prohibition order on the person stated to have been
28 served.

1 **Division 3 — Commencement, duration and effect of firearms**
2 **prohibition order**

3 **322. Commencement**

4 A firearms prohibition order comes into force when it is served
5 on the person against whom it is made in accordance with
6 section 318(2).

7 **323. Duration**

8 (1) A firearms prohibition order remains in force for a period of
9 10 years, beginning on the day on which it comes into force,
10 unless the firearms prohibition order is revoked sooner by the
11 Commissioner.

12 (2) The Commissioner may revoke a firearms prohibition order at
13 any time for any or no stated reason.

14 **324. Effect of firearms prohibition order when served**

15 (1) When a firearms prohibition order comes into force, any firearm
16 authority held by the prohibited person is immediately
17 cancelled.

18 (2) The regulations may provide for the reinstatement of a firearm
19 authority cancelled under subsection (1), or make any other
20 provision necessary or convenient to be made, to deal with —

21 (a) the consequences of the setting aside or quashing, by the
22 State Administrative Tribunal or a court, of a decision of
23 the Commissioner to make a firearms prohibition order;
24 or

25 (b) the revocation of a firearms prohibition order (whether
26 or not revocation results from the setting aside or
27 quashing of a decision of the Commissioner to make a
28 firearms prohibition order as referred to in
29 paragraph (a)).

1 **Division 4 — Offences relating to firearms prohibition orders**

2 **325. Requirement to surrender firearms and other things**

3 (1) When a firearms prohibition order is served on a person, the
4 prohibited person must immediately surrender the following
5 things to the police officer who served the firearms prohibition
6 order —

- 7 (a) any licence card in the person's possession;
8 (b) any firearm, major firearm part, prohibited accessory,
9 firearm technology or ammunition in the person's
10 possession.

11 (2) A person who contravenes subsection (1) by failing to
12 immediately surrender a licence card commits a crime.

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

15 (3) A person who contravenes subsection (1) by failing to
16 immediately surrender any of the following things commits a
17 crime —

- 18 (a) a firearm;
19 (b) a major firearm part;
20 (c) ammunition;
21 (d) firearm technology.

22 Penalty for this subsection: imprisonment for 7 years.

23 (4) A person who contravenes subsection (1) by failing to
24 immediately surrender any of the following things commits a
25 crime —

- 26 (a) a handgun;
27 (b) a prohibited firearm;
28 (c) a major firearm part of a handgun or prohibited firearm;
29 (d) a prohibited accessory.

30 Penalty for this subsection: imprisonment for 14 years.

- 1 (5) A person does not commit an offence under this section by
2 failing to immediately surrender a thing if —
- 3 (a) the thing is not in the person’s immediate possession;
4 and
- 5 (b) the person immediately provides the police officer who
6 served the firearms prohibition order with the
7 information and assistance necessary to enable a police
8 officer to immediately locate and access the thing for the
9 purpose of seizing it.

10 **326. Prohibition against acquiring, supplying, possessing or using**
11 **firearms and related things**

- 12 (1) A prohibited person commits a crime if the person acquires,
13 supplies, is in possession of, or uses any of the following
14 things —
- 15 (a) a firearm;
16 (b) a major firearm part;
17 (c) ammunition.

18 Penalty for this subsection: imprisonment for 7 years.

- 19 (2) A prohibited person commits a crime if the person acquires,
20 supplies, is in possession of, or uses any of the following
21 things —
- 22 (a) a handgun;
23 (b) a prohibited firearm;
24 (c) a major firearm part of a handgun or prohibited firearm;
25 (d) a prohibited accessory.

26 Penalty for this subsection: imprisonment for 14 years.

- 27 (3) A prohibited person does not commit an offence under
28 subsection (1) or (2) by being in possession of a thing if —
- 29 (a) the thing is not in the prohibited person’s immediate
30 possession; and

- 1 (b) the prohibited person complied with the requirement
2 under section 325(1) to immediately surrender the thing
3 by immediately providing the police officer who served
4 the firearms prohibition order with the information and
5 assistance necessary to enable a police officer to locate
6 and access the thing for the purpose of seizing it.

7 **327. Prohibition against entering, remaining or residing at,**
8 **certain places**

- 9 (1) In this section —

10 *firearm trade premises* means any premises (including premises
11 that are also a residence) that are specified in a Trade Licence as
12 premises to which the licence applies;

13 *residence* means a place used for residential purposes.

- 14 (2) A prohibited person commits a crime if the person enters or
15 remains at —

16 (a) a place where a firearm, major firearm part, prohibited
17 accessory or ammunition is sold, repaired or
18 manufactured; or

19 (b) a licensed firearm range; or

20 (c) the premises of a shooting club that holds a Club
21 Licence; or

22 (d) the premises of an approved society of firearm collectors
23 (being a body corporate approved under section 70(1) as
24 an approved society of firearm collectors); or

25 (e) a place used for the conduct of games of paintball under
26 the authority of a Paintball Business Licence; or

27 (f) firearm trade premises; or

28 (g) a place that is set aside predominantly for activities
29 involving firearms.

30 Penalty for this subsection: imprisonment for 10 years.

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1 (3) A prohibited person commits a crime if the person resides at
2 firearm trade premises.

3 Penalty for this subsection: imprisonment for 10 years.

4 (4) A prohibited person commits an offence if the person resides at
5 a residence (other than firearm trade premises) where a firearm,
6 major firearm part, prohibited accessory or ammunition is
7 stored.

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

10 (5) A prohibited person commits an offence if the person enters or
11 remains at a residence (other than firearm trade premises) where
12 a firearm, major firearm part, prohibited accessory or
13 ammunition is stored.

14 Penalty for this subsection: imprisonment for 12 months and a
15 fine of \$12 000.

16 (6) It is a defence to a charge of an offence under subsection (4)
17 or (5) to prove that the accused did not know, and could not
18 reasonably be expected to have known, that a firearm, major
19 firearm part, prohibited accessory or ammunition was stored at
20 the residence concerned.

21 **328. Prohibition against associating with persons in possession of**
22 **firearms and other things**

23 (1) A prohibited person commits a crime if the person is in
24 company with a person who is in possession of any of the
25 following —

- 26 (a) a firearm;
27 (b) a major firearm part;
28 (c) ammunition.

29 Penalty for this subsection: imprisonment for 7 years.

- 1 (2) A prohibited person commits a crime if the person is in
2 company with a person who is in possession of any of the
3 following —
4 (a) a handgun;
5 (b) a prohibited firearm;
6 (c) a major firearm part of a handgun or prohibited firearm;
7 (d) a prohibited accessory.

8 Penalty for this subsection: imprisonment for 14 years.

- 9 (3) It is a defence to a charge of an offence under subsection (1)
10 or (2) of being in company with a person who is in possession
11 of a firearm or related thing to prove that the accused did not
12 know, and could not reasonably be expected to have known,
13 that the person was in possession of a firearm or related thing.

14 **329. Prohibition against giving possession of firearms and other**
15 **things to prohibited persons**

- 16 (1) A person commits a crime if the person gives possession of any
17 of the following to a prohibited person —
18 (a) a firearm;
19 (b) a major firearm part;
20 (c) ammunition.

21 Penalty for this subsection: imprisonment for 7 years.

- 22 (2) A person commits a crime if the person gives possession of any
23 of the following to a prohibited person —
24 (a) a handgun;
25 (b) a prohibited firearm;
26 (c) a major firearm part of a handgun or prohibited firearm;
27 (d) a prohibited accessory.

28 Penalty for this subsection: imprisonment for 14 years.

- 1 (3) It is a defence to a charge of an offence under subsection (1)
2 or (2) of giving possession of a firearm or related thing to a
3 prohibited person to prove that the accused did not know, and
4 could not reasonably be expected to have known, that the person
5 was a prohibited person.

6 **330. Prohibited person to notify change of address**

7 If a prohibited person changes their address, the person must
8 give the Commissioner notice of their new address in the
9 approved manner and approved form not later than 7 days after
10 the change occurs.

11 Penalty: a fine of \$5 000.

12 **331. Recognition of firearms prohibition orders of other**
13 **jurisdictions**

14 (1) In this section —

15 *corresponding firearms prohibition order* means an order made
16 under a law of another State or a Territory that is prescribed by
17 the regulations as a corresponding firearms prohibition order.

18 (2) If a corresponding firearms prohibition order is in force in
19 relation to a person —

20 (a) the person is, for the purposes of this Act, taken to be a
21 prohibited person; and

22 (b) this Act applies to, and may be enforced in this State
23 against, the person accordingly.

Part 9 — Review of decisions

332. Terms used

In this Part —

decision means a decision (including a decision to impose a restriction, limitation or condition) made by or on behalf of the Commissioner, or a delegate of the Commissioner, under this Act;

notified exempt material means any supporting material that is the subject of a notification to the Tribunal under section 335(1);

SAT Act means the *State Administrative Tribunal Act 2004*;

supporting material, in relation to a decision, means the statement of the reasons for the decision, and the other documents and other material, provided to the Tribunal under the SAT Act section 24;

Tribunal means the State Administrative Tribunal.

333. Review of decisions by Tribunal

A person aggrieved by a decision can apply to the Tribunal for a review of the decision.

334. Hearsay evidence in review proceedings

(1) In this section —

representation includes an express or implied representation, whether oral or in writing, and a representation inferred from conduct.

(2) In proceedings before the Tribunal for the review of a decision, evidence given by a police officer of a representation about a matter that is relevant to the proceedings is admissible as evidence, despite the rule against hearsay.

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1 (3) The Tribunal may give such weight as it thinks fit to evidence
2 admitted under subsection (2).

3 (4) This section applies despite any rules of evidence, or any
4 practices or procedures applicable to courts of record, adopted
5 by the Tribunal or applied by regulations or rules under the SAT
6 Act, as referred to in the SAT Act section 32.

7 **335. Notifying Tribunal of exempt material**

8 (1) In proceedings before the Tribunal for the review of a decision,
9 the Commissioner must notify the Tribunal if the Commissioner
10 is of the opinion that any supporting material for the decision is
11 or contains matter that the Commissioner considers is exempt
12 matter under the *Freedom of Information Act 1992* Schedule 1
13 clause 5.

14 (2) The notification must be given when the Commissioner
15 provides the supporting material for the decision to the Tribunal
16 and must sufficiently identify the notified exempt material.

17 (3) The following provisions apply in relation to notified exempt
18 material —

19 (a) the Attorney General cannot issue a certificate under the
20 SAT Act section 159(2) in relation to notified exempt
21 material;

22 (b) the Tribunal cannot direct a party to produce a document
23 to another party if the document is or contains notified
24 exempt material (despite the SAT Act section 34);

25 (c) the Tribunal must ensure that notified exempt material
26 provided to the Tribunal is returned to the
27 Commissioner when it is no longer required by the
28 Tribunal;

29 (d) the Tribunal must ensure that notified exempt material
30 provided to the Tribunal is not disclosed in any way
31 other than to a sitting member of the Tribunal;

- 1 (e) the Tribunal must perform its functions under the SAT
2 Act sections 77 and 78 in a way that ensures the
3 Tribunal complies with paragraphs (c) and (d);

4 Note for this paragraph:

5 In relation to paragraph (e), the SAT Act sections 77 and 78 relate to
6 the giving of reasons for a decision of the Tribunal.

- 7 (f) the Tribunal must receive any evidence in relation to
8 notified exempt material in private and in the absence of
9 any party to the proceeding other than the Commissioner
10 or the Commissioner's representative (despite the SAT
11 Act section 61);
- 12 (g) despite the SAT Act section 62, anything to which that
13 section applies that is notified exempt material is not to
14 be published.

15 **336. Decisions about firearms prohibition orders**

16 The following provisions have effect in relation to a review by
17 the Tribunal of a decision under Part 8 (an *FPO decision*) —

- 18 (a) the decision-maker cannot be requested under the SAT
19 Act section 21(1) to provide a written statement of the
20 reasons for an FPO decision;
- 21 (b) the Tribunal cannot under the SAT Act section 22(3)
22 order the decision-maker to provide a statement of the
23 reasons for an FPO decision;
- 24 (c) the Tribunal cannot under the SAT Act section 25(2)
25 make an order staying the operation of an FPO decision;
- 26 (d) despite the SAT Act section 29(5)(b), an FPO decision
27 as affirmed or varied by the Tribunal, or a decision that
28 the Tribunal substitutes for an FPO decision, has effect
29 from the date that the Tribunal affirms or varies the FPO
30 decision or substitutes its decision for the FPO decision,
31 as the case requires (and the Tribunal cannot order
32 otherwise under the SAT Act section 29(5)(b)).

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1 **337. Appeals and references to Supreme Court under SAT Act**

2 (1) In this section —

3 ***Supreme Court proceeding*** means —

4 (a) an appeal to the Court of Appeal, or to the Supreme
5 Court, under the SAT Act section 105 from a decision of
6 the Tribunal on a review of a decision; or

7 (b) a reference to the Supreme Court under the SAT Act
8 section 59 of a question of law arising in a proceeding
9 on a review by the Tribunal of a decision.

10 (2) If the court dealing with a Supreme Court proceeding considers
11 that notified exempt material given to the court under the SAT
12 Act for the purpose of the proceeding cannot properly be
13 considered to be protected matter for the purposes of the SAT
14 Act section 94(5)(a), the court must —

15 (a) give the Commissioner the opportunity to withdraw the
16 notified exempt material from consideration in the
17 Supreme Court proceeding; and

18 (b) if the material is withdrawn — prohibit the publication
19 of, or a reference to, the material.

Part 10 — Amnesty for surrender of firearms and related things

338. Terms used

In this Part —

approved location means premises approved under section 342(1) as an approved location for the purposes of this Part;

approved person, for an approved location, means a person approved under section 342(2)(a) as an approved person for the approved location;

responsible person, for an approved location, means the person approved under section 342(2)(b) as the responsible person for the approved location.

339. Surrender of firearms and related things

(1) A person who is in possession of a firearm or related thing can surrender it to the Commissioner by —

- (a) taking it to a police station and surrendering it to a police officer at the police station; or
- (b) taking it to an approved location and surrendering it to an approved person at the approved location.

(2) The surrender of a firearm or related thing to the Commissioner in accordance with subsection (1) is *approved surrender* of the firearm or related thing for the purposes of this Part.

340. Amnesty

(1) If a person surrenders a firearm or related thing (the *surrendered thing*) by approved surrender, action cannot be taken against the person for an offence under Part 5 in respect of the possession of the surrendered thing by the person before it was surrendered.

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- 1 (2) Subsection (1) does not affect the person’s liability for any other
2 offence involving the surrendered thing that is committed by the
3 person under this Act or another written law before it was
4 surrendered.
- 5 (3) A person does not commit an offence under Part 5 by giving
6 possession of a firearm or related thing to a police officer at a
7 police station or to an approved person at an approved location
8 when surrendering the firearm or related thing to the
9 Commissioner by approved surrender.
- 10 (4) A police officer at a police station or an approved person at an
11 approved location does not commit an offence under Part 5 by
12 taking possession of a firearm or related thing when the firearm
13 or related thing is surrendered to the Commissioner by approved
14 surrender.
- 15 (5) A person’s possession of a firearm or related thing at an
16 approved location in the person’s capacity as an approved
17 person for the approved location is taken to be authorised by a
18 licence.

19 **341. Licensing, sale and disposal of surrendered firearms and**
20 **related things**

- 21 (1) A person who surrenders a firearm or related thing by approved
22 surrender may, within 14 days after surrendering it, make an
23 application (an *appropriate application*) under this Act for the
24 necessary firearm authority to authorise the person to possess
25 the firearm or related thing.
- 26 (2) If the person does not make an appropriate application within
27 that 14 days, or an appropriate application made by the person
28 within that 14 days is unsuccessful, the firearm or related thing
29 can be dealt with by the Commissioner under section 365.

- 1 (3) An appropriate application is unsuccessful if —
2 (a) the application is refused and any subsequent reviews
3 and appeals in relation to that refusal have been finally
4 determined or otherwise disposed of; or
5 (b) the application is withdrawn.
- 6 (4) A prohibited accessory cannot be the subject of an appropriate
7 application.
- 8 **342. Approval of surrender locations and personnel**
- 9 (1) The Commissioner may approve any premises to which a Trade
10 Licence (the *relevant Trade Licence*) applies as an approved
11 location for the purposes of this Part.
- 12 (2) For each approved location, the Commissioner must —
13 (a) approve 1 or more persons as approved persons for the
14 approved location; and
15 (b) approve 1 of those approved persons as the responsible
16 person for the approved location.
- 17 (3) A person cannot be an approved person for an approved
18 location unless the person is the holder of, or an authorised
19 person for, the relevant Trade Licence.
- 20 (4) The Commissioner's approval of an approved location must
21 specify the following —
22 (a) the address of the approved location;
23 (b) the name of the responsible person for the approved
24 location;
25 (c) the name of any other approved person for the approved
26 location.
- 27 (5) The Commissioner may revoke or amend an approval under this
28 section.

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- 1 **343. Requirements for things surrendered**
- 2 (1) The Commissioner may determine the following requirements
- 3 (*surrender compliance requirements*) for firearms and related
- 4 things surrendered by approved surrender at an approved
- 5 location —
- 6 (a) handling and storage requirements for surrendered
- 7 firearms and related things;
- 8 (b) requirements as to the manner in which surrendered
- 9 firearms and related things must be delivered to the
- 10 Commissioner;
- 11 (c) reporting requirements in relation to surrendered
- 12 firearms and related things.
- 13 (2) The Commissioner must notify surrender compliance
- 14 requirements determined for an approved location to the
- 15 responsible person for the approved location.
- 16 (3) It is a condition of the relevant Trade Licence that surrender
- 17 compliance requirements of which the responsible person for an
- 18 approved location is notified by the Commissioner must be
- 19 complied with.

Part 11 — Enforcement

Division 1 — Police powers to seize firearms and related things

344. Power to seize in certain circumstances

(1) A police officer may seize a firearm or related thing that is in the possession of a person in any of the following circumstances (each a *circumstance that justifies seizure*) —

- (a) if the police officer is satisfied that the person is a disqualified person;
- (b) if the police officer reasonably suspects that the firearm or related thing is in the person's possession or is being used in contravention of a condition of a firearm authority;
- (c) if the police officer reasonably suspects that possession of the firearm or related thing by the person may result in harm being suffered by any person or may result in a threat to public safety;
- (d) if the police officer is of the opinion that the person is not at the time a fit and proper person to be in possession of the firearm or related thing.

(2) Subsection (1) applies whether or not the person's possession of the firearm or related thing is authorised by a firearm authority or is otherwise lawful.

Note for this section:

A police officer also has power under the *Criminal Investigation Act 2006* to seize a firearm that is in a person's possession unlawfully (as being a thing relevant to an offence for the purposes of that Act).

345. Power to enter and search vehicles and places

(1) For the purpose of exercising a power under section 344, a police officer may enter and search any vehicle or place that the police officer reasonably suspects is a vehicle in which or place where a firearm or related thing may be found that is in the

- 1 possession of a person in a circumstance that justifies seizure
2 under section 344.
- 3 (2) A power of a police officer to enter and search a vehicle under
4 this section may be exercised without a warrant.
- 5 (3) A power of a police officer to enter and search a place under
6 this section may be exercised without a warrant if (and only if)
7 the police officer reasonably suspects that —
- 8 (a) there is an immediate threat of harm to a person; and
9 (b) the delay that would be involved in obtaining a warrant
10 would be likely to increase the risk or extent of that
11 harm.
- 12 (4) A police officer who exercises a power under this section to
13 enter and search a place without a warrant must give the
14 Commissioner, after the power is exercised, a written report in
15 the approved form explaining the reason for the suspicion that
16 authorised the exercise of the power without a warrant.

17 **346. Search warrant under *Criminal Investigation Act 2006***

18 A search warrant may be applied for and issued under the
19 *Criminal Investigation Act 2006* to authorise a police officer to
20 enter and search a place for the purpose of the exercise of any
21 power of a police officer under section 344 and for that purpose
22 the *Criminal Investigation Act 2006* Part 5 applies as if —

- 23 (a) possession by a person of a firearm or related thing in a
24 circumstance that justifies seizure under section 344
25 were an offence under a written law; and
- 26 (b) a firearm or related thing in a person's possession in a
27 circumstance that justifies seizure under section 344
28 were a thing relevant to that offence.

29 **347. Division does not limit firearms prohibition order powers**

30 This Division does not limit any power of a police officer under
31 Division 2.

1 **Division 2 — Enforcement of firearms prohibition orders**

2 **348. Powers can be exercised without warrant**

3 The powers conferred on a police officer by this Division may
4 be exercised without a warrant unless otherwise provided by
5 this Division.

6 **349. Power of search and seizure before firearms prohibition**
7 **order served**

- 8 (1) A police officer who is satisfied that a firearms prohibition
9 order has been made against a person may seize a firearm or
10 related thing that is in the possession of the person before the
11 firearms prohibition order is served on the person and whether
12 or not the person's possession of the firearm or related thing is
13 authorised by a firearm authority or is otherwise lawful.
- 14 (2) For the purpose of seizing a firearm or related thing under this
15 section, a police officer may enter and search any vehicle or
16 place that the police officer reasonably suspects is a vehicle in
17 which or place where the firearm or related thing may be found.
- 18 (3) A power of a police officer under this section to enter and
19 search a vehicle may be exercised without a warrant.
- 20 (4) A power of a police officer under this section to enter and
21 search a place for a firearm or related thing in a person's
22 possession may be exercised without a warrant if (and only if)
23 the police officer is satisfied that reasonable efforts have been
24 made to serve the firearms prohibition order on the person as
25 required by section 318.
- 26 (5) A police officer who exercises a power under this section to
27 enter and search a place without a warrant must give the
28 Commissioner, after the power is exercised, a written report in
29 the approved form detailing the efforts made to serve the
30 firearms prohibition order that the police officer is satisfied
31 constitute reasonable efforts.

- 1 (6) A search warrant may be applied for and issued under the
2 *Criminal Investigation Act 2006* to authorise a police officer to
3 enter and search a place for the purpose of the exercise of any
4 power of a police officer under this section, and for that purpose
5 the *Criminal Investigation Act 2006* Part 5 applies as if —
- 6 (a) possession by a person of a firearm or related thing
7 when the person is a person against whom a firearms
8 prohibition order has been made but not served were an
9 offence under a written law; and
- 10 (b) a firearm or related thing in a person’s possession in
11 those circumstances were a thing relevant to that
12 offence.

13 **350. Entry and search of places and vehicles in relation to**
14 **firearms prohibition orders**

- 15 (1) A police officer may exercise the following powers as
16 reasonably necessary for the purpose of determining whether a
17 prohibited person or any other person has committed an offence
18 under Part 8 —
- 19 (a) power to enter and search a place occupied by or under
20 the care, control or management of a prohibited person,
21 including power to enter and search a vehicle at the
22 place;
- 23 (b) power to search a vehicle occupied by or in the charge
24 of a prohibited person, wherever the vehicle is located.
- 25 (2) A police officer who enters or searches a place or vehicle under
26 this section has the following powers —
- 27 (a) power to stop and detain the vehicle being searched for
28 so long as is reasonably necessary to conduct the search;
- 29 (b) power to seize a thing relevant to an offence under this
30 Act.

1 **351. Search of prohibited persons and persons in their company**

- 2 (1) A police officer has the following powers to stop and search a
3 person —
- 4 (a) power to stop and search a prohibited person as
5 reasonably necessary for the purpose of determining
6 whether the prohibited person has committed an offence
7 under Part 8;
- 8 (b) power to stop and search a person in the company of a
9 prohibited person if the police officer reasonably
10 suspects that the person in company or the prohibited
11 person has committed an offence under Part 8.
- 12 (2) A police officer who conducts a search of a person under this
13 section has the following powers —
- 14 (a) power to stop and detain the person being searched for
15 so long as is reasonably necessary to conduct the search;
- 16 (b) power to search any item, package or thing in the
17 possession of a person who is the subject of the search;
- 18 (c) power to seize a thing relevant to an offence under this
19 Act that is found in the person's possession (or in a
20 package or other thing in their possession) or that the
21 person is using.
- 22 (3) The *Criminal Investigation Act 2006* Part 8 Division 3 applies
23 to the search of a person under this section as if the search were
24 a basic search authorised by that Act.

25 **352. Search and seizure of things required to be surrendered**

- 26 (1) A police officer who reasonably suspects that a prohibited
27 person has failed to immediately surrender a thing in
28 contravention of section 325(1) may —
- 29 (a) enter a place where the police officer reasonably
30 suspects the thing is located; and
- 31 (b) search for, and seize, the thing.

1 Note for this subsection:

2 Section 325 requires a prohibited person to immediately surrender any
3 licence card, firearm, major firearm part, prohibited accessory, firearm
4 technology or ammunition in their possession.

5 (2) A prohibited person's failure to immediately surrender a thing
6 as required by section 325(1) is a contravention of that
7 subsection for the purposes of this section even if that failure is
8 not an offence because of the operation of section 325(5).

9 (3) This section is in addition to, and does not limit, the other
10 powers conferred by this Division on a police officer.

11 **353. Seizure of things in authorised possession**

12 A police officer may seize a firearm or related thing under a
13 provision of this Division even if the person in possession of the
14 firearm or related thing is authorised by a firearm authority to be
15 in possession of the firearm or related thing.

16 **Division 3 — Other police powers**

17 **354. Power to seize if licence card not produced**

18 (1) A police officer may direct a person who is in immediate
19 possession of a firearm or related thing to produce to the police
20 officer the licence card issued to the person in respect of the
21 firearm authority or exemption that authorises the person to
22 possess the firearm or related thing (the *required licence card*).

23 (2) If the required licence card is not produced when directed by a
24 police officer, the police officer may seize the firearm or related
25 thing unless the police officer is otherwise satisfied that the
26 person's possession of the firearm or related thing is lawful.

27 **355. Power to require surrender of firearms and related things in
28 unlawful possession**

29 (1) If a police officer reasonably suspects that a person is in
30 unlawful possession of a firearm or related thing, the police
31 officer may direct the person to immediately surrender the

1 firearm or related thing (a *thing required to be surrendered*) to
2 a police officer.

3 (2) If a person given a direction under this section fails to comply
4 with the direction by immediately surrendering a thing required
5 to be surrendered, a police officer may without a warrant —

6 (a) enter any place that the police officer reasonably
7 suspects are premises on which a thing required to be
8 surrendered may be found; and

9 (b) search for and seize a thing required to be surrendered.

10 (3) A firearm or related thing surrendered to a police officer under
11 this section is taken to have been seized by the police officer.

12 **356. Examination and testing of firearms and related things**

13 (1) A police officer may direct a person to produce to the police
14 officer for examination or testing any firearm or related thing in
15 the person's possession.

16 (2) A person who fails to comply with a direction under
17 subsection (1) within a reasonable time after the direction is
18 given commits an offence.

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

20 (3) A police officer may examine or test a firearm or related thing
21 that is produced to the police officer or that otherwise comes
22 into the possession of the police officer.

23 Note for this section:

24 A police officer also has powers under the *Criminal Investigation*
25 *Act 2006* to do a forensic examination on a firearm or related thing that
26 under that Act is a thing relevant to an offence.

27 **357. Power to seize unsafe, unserviceable or altered firearm or**
28 **related thing**

29 A police officer may seize a firearm or related thing if the police
30 officer is of the opinion that —

31 (a) the firearm or related thing is unsafe or unserviceable; or

1 (b) in the case of a firearm, the firearm has been unlawfully
2 altered.

3 **358. Powers in relation to firearm technology**

4 (1) A police officer who reasonably suspects that a person is in
5 possession of firearm technology may direct that the person
6 provide a password, device or other information or thing to
7 enable the police officer to access the firearm technology.

8 (2) A person who, without reasonable excuse, fails to comply with
9 a direction by a police officer under subsection (1) commits a
10 crime.

11 Penalty for this subsection: imprisonment for 10 years.

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

14 **359. Power to ask questions in relation to offence**

15 A police officer may question any person whom the police
16 officer reasonably suspects of being able to furnish information
17 or evidence relating to an offence or suspected offence under
18 this Act.

19 **360. Police powers on licensed firearm premises**

20 (1) In this section —

21 *licensed firearm premises* means —

22 (a) business premises of the licensee under a Business
23 Licence; or

24 (b) premises of a licensed firearm club; or

25 (c) premises of a licensed firearm range; or

26 (d) premises to which a Trade Licence applies; or

27 (e) premises occupied by a Government entity to which a
28 Government Entity Licence applies.

- 1 (b) the contravention is continuing; and
2 (c) activities should not be engaged in under the authority
3 of the licence until the contravention has been remedied.

4 (2) A ***compliance direction*** is a direction in writing that —

- 5 (a) specifies the provision of this Act or the condition of the
6 licence that has been contravened; and
7 (b) requires the licensee to remedy the contravention; and
8 (c) requires the licensee to suspend all or specified activities
9 engaged in under the authority of the licence until the
10 contravention is remedied.

11 (3) A compliance direction may include requirements as to what
12 must be done to remedy the contravention.

13 (4) A licensee to whom a compliance direction is given under this
14 section must comply with the requirements of the compliance
15 direction.

16 Penalty for this subsection: a fine of \$50 000.

17 **362. Powers are in addition to other powers**

18 The powers conferred on a police officer by this Part are in
19 addition to, and do not limit, the powers that a police officer has
20 under any other provision of this Act or any other law.

21 **Division 4 — Seized and surrendered firearms and related**
22 **things**

23 **363. Term used: surrendered under amnesty**

24 In this Division —

25 ***surrendered under amnesty*** means surrendered to the
26 Commissioner under section 339.

1 **364. Application of *Criminal and Found Property Disposal***
2 ***Act 2006***

3 (1) The *Criminal and Found Property Disposal Act 2006* applies in
4 respect of a firearm or related thing seized under this Act that is
5 in the possession of a police officer.

6 (2) For the purposes of the *Criminal and Found Property Disposal*
7 *Act 2006*, a firearm or related thing seized under this Act is
8 taken to have been seized in the course of a criminal
9 investigation by the Police Force of Western Australia.

10 **365. Dealing with firearms and related things surrendered under**
11 **amnesty**

12 (1) A firearm or related thing surrendered under amnesty may be
13 dealt with by the Commissioner by sale, forfeiture to the State,
14 destruction or otherwise, as the Commissioner thinks fit.

15 (2) Any proceeds of the sale of a firearm or related thing by the
16 Commissioner under this section, after deduction of the
17 expenses of and incidental to the sale, must —

18 (a) be paid to the person who surrendered it if the
19 Commissioner is of the opinion that it is appropriate and
20 practicable to do so; or

21 (b) otherwise be credited to the Consolidated Account.

22 (3) This section is subject to section 341.

23 Note for this subsection:

24 Section 341 provides for a person who surrenders a firearm or related
25 thing to make an application for the necessary firearm authority to
26 authorise the person to possess the firearm or related thing.

27 **366. Dealing with other firearms and related things in police**
28 **possession**

29 (1) A firearm or related thing that comes into the possession of a
30 police officer under this Act otherwise than as a result of being
31 seized or surrendered under amnesty must be dealt with as

1 required by this section when it is no longer authorised to be
2 retained.

3 (2) The firearm or related thing must be returned to a person who
4 the Commissioner is satisfied is entitled to its lawful possession.

5 (3) If a person entitled to its lawful possession cannot be identified
6 or cannot be found, the firearm or related thing may be dealt
7 with by the Commissioner by sale, forfeiture to the State,
8 destruction or otherwise, as the Commissioner thinks fit.

9 (4) Any proceeds of the sale of a firearm or related thing by the
10 Commissioner under this section, after deduction of the
11 expenses of and incidental to the sale, must be credited to the
12 Consolidated Account.

13 **367. Power of court to order forfeiture on conviction of offender**

14 (1) A court that convicts a person of an offence under any written
15 law can, in addition to any other penalty imposed, make an
16 order for the forfeiture to the State or the destruction of a
17 firearm or related thing that the court is satisfied was the subject
18 of, used in, or otherwise involved in, the commission of the
19 offence.

20 (2) The *Criminal and Found Property Disposal Act 2006* applies to
21 a firearm or related thing forfeited to the State under a court
22 order under subsection (1).

23 **Division 5 — General**

24 **368. Offence: failure to answer questions**

25 A person commits an offence if the person —

26 (a) fails without reasonable excuse to answer any question
27 asked by a police officer under this Act; or

1 (b) in answer to a question asked by a police officer under
2 this Act provides information that the person knows to
3 be false or misleading in a material particular.

4 Penalty: a fine of \$5 000.

5 **369. Offence: misleading police officer**

6 A person commits an offence if the person misleads or attempts
7 to mislead any police officer in any manner that is likely to
8 affect the discharge of the police officer's duties under this Act.

9 Penalty: a fine of \$5 000.

10 **370. Powers under *Criminal Investigation Act 2006***

11 The *Criminal Investigation Act 2006* Part 2 applies, with any
12 necessary modifications, to a police officer exercising a power
13 under this Act in the same way as it applies to a police officer
14 exercising a power under that Act.

15 **371. Other powers not affected**

16 Nothing in this Act limits or otherwise affects any power of a
17 police officer under the *Criminal Investigation Act 2006* or any
18 other law.

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Part 12 — Information

Division 1 — Disclosure of information to Commissioner

372. Providing information to Commissioner about person of concern

Any person may provide information to the Commissioner about another person (the *person of concern*) if the person providing the information believes that the information indicates that —

- (a) the person of concern is not a fit and proper person to have access to a firearm; or
- (b) the physical, mental or emotional condition of the person of concern is such that it is not in the interests of the person of concern, or not in the public interest, for the person of concern to have access to a firearm to which they are believed to have access; or
- (c) the person of concern has sustained an injury in the infliction of which a firearm is believed to have been involved.

373. Information from licensed firearm club

- (1) It is a condition of a Club Licence that the licensed firearm club must provide information to the Commissioner about the following matters (*reportable matters*) —
 - (a) a person becoming a member of the club;
 - (b) the refusal by the club of a person’s application for membership or renewal of membership of the club;
 - (c) the suspension or cancellation of a person’s membership of the club;
 - (d) a person ceasing to be a member of the club otherwise than because of the suspension or cancellation of the person’s membership;

- 1 (e) any other matter prescribed by the regulations.
- 2 (2) The regulations may provide for the following —
- 3 (a) the information about reportable matters that must be
4 provided to the Commissioner by a licensed firearm
5 club;
- 6 (b) the manner in which information about reportable
7 matters must be provided to the Commissioner by a
8 licensed firearm club;
- 9 (c) the time within which information about reportable
10 matters must be provided to the Commissioner by a
11 licensed firearm club.
- 12 (3) If an officer of a licensed firearm club forms the opinion that a
13 person who is a member of the club is not a fit and proper
14 person to hold a firearm authority, the officer must notify the
15 Commissioner of that opinion and the grounds on which it was
16 formed within the time and in the manner required by the
17 regulations.
- 18 Penalty for this subsection: a fine of \$5 000.

19 **374. Information from approved society of firearm collectors**

- 20 (1) An approved society of firearm collectors must notify the
21 Commissioner in the approved manner within 7 days after a
22 member who holds a Collector Licence ceases to be a member
23 of the society.
- 24 Penalty for this subsection: a fine of \$5 000.
- 25 (2) The notification must include a statement of the reason the
26 member ceased to be a member.
- 27 (3) If the member ceased to be a member as a result of being
28 expelled from membership, the notification must include a
29 statement of the reasons for the member being expelled.
- 30 (4) A statement of the reasons for a member being expelled can
31 include information that the Commissioner might consider

1 relevant to the question of whether or not the member expelled
2 is a fit and proper person to hold a Collector Licence.

3 (5) An approved society of collectors that is requested at any time
4 to do so may give the Commissioner any information that the
5 Commissioner might consider relevant to —

6 (a) the question of whether, for the purposes of this Act, a
7 firearm has significant commemorative, historical or
8 thematic value; or

9 (b) the question of whether a person is a fit and proper
10 person to hold a Collector Licence.

11 **375. Providing further information requested by Commissioner**

12 A person may provide any further information to the
13 Commissioner that is requested by the Commissioner in
14 connection with information provided to the Commissioner by
15 the person under this Part.

16 **376. Protection from liability when information provided in good
17 faith**

18 (1) If information is provided to the Commissioner by a person in
19 good faith under this Division —

20 (a) no civil or criminal liability is incurred by the person in
21 respect of the disclosure; and

22 (b) the disclosure is not to be regarded as a breach of any
23 duty of confidentiality or secrecy imposed on the person
24 by any written or other law; and

25 (c) the disclosure is not to be regarded as a breach by the
26 person of professional ethics or standards or any
27 principles of conduct applicable to the person's
28 employment or as unprofessional conduct.

29 (2) Except in relation to an offence constituted by the disclosure of
30 the information, subsection (1) does not affect a person's
31 liability for any offence, committed by the person under this Act

1 or another written law, in relation to which the person provides
2 information under this Division.

3 **377. Protection of identity of person providing information to**
4 **Commissioner**

5 (1) A person must not disclose information (*identifying*
6 *information*) that might identify or tend to identify a person as a
7 person who has provided information to the Commissioner
8 under this Division.

9 Penalty for this subsection: imprisonment for 2 years and a fine
10 of \$24 000.

11 (2) A person does not commit an offence under subsection (1) if —

12 (a) the person who provided the information to the
13 Commissioner consents to the disclosure of the
14 identifying information; or

15 (b) it is necessary to disclose the identifying information to
16 enable the matter to be investigated effectively; or

17 (c) there are reasonable grounds to believe that disclosing
18 the identifying information is necessary to prevent or
19 minimise the risk of injury to a person or damage to
20 property; or

21 (d) the identifying information is disclosed in accordance
22 with an order of a court or a person or body having
23 authority to hear, receive and examine evidence.

24 **378. Commissioner’s decisions made in reliance on information**
25 **provided**

26 (1) A decision made by the Commissioner is not liable to be called
27 into question or annulled by reason only that it was made in full
28 or partial reliance on information provided to the Commissioner
29 under this Part that is subsequently shown to be factually
30 incorrect.

- 1 (2) The Commissioner must reconsider the decision if requested to
2 do so by the person adversely affected to determine the extent to
3 which the decision should, or might, be varied as a result of the
4 correction of those factual errors.

5 **379. Information includes opinion**

6 A reference in this Division to information includes information
7 in the form of an opinion.

8 **Division 2 — Disclosure of information by Commissioner**

9 **380. Terms used**

10 In this Division —

11 ***firearm authority information***, about a person, means the
12 following information about the person —

- 13 (a) information indicating that the person holds a firearm
14 authority or is authorised by a firearm authority to
15 possess or use a firearm;
- 16 (b) information as to the terms and conditions of any
17 firearm authority granted to the person (whether or not
18 the firearm authority is currently held by the person);
- 19 (c) information about any refusal to grant a firearm
20 authority to the person or the cancellation or suspension
21 of a firearm authority held by the person (including
22 information about the reasons for the refusal,
23 cancellation or suspension);
- 24 (d) information about the person's record of compliance or
25 failure to comply with the requirements of this Act or
26 the conditions of a firearm authority;

27 ***relevant firearm information***, about a person, means —

- 28 (a) information about the person that is relevant to the
29 question of whether the person is a fit and proper person
30 to have access to a firearm, including any opinion of the

- 1 Commissioner as to whether the person is a fit and
2 proper person to hold a firearm authority; and
3 (b) information indicating whether the person is, or was at
4 any particular time, a disqualified person or prohibited
5 person; and
6 (c) firearm authority information about the person;

7 **State agency** means a department of the Public Service or
8 another agency or instrumentality of the State.

9 **381. Disclosure by Commissioner of relevant firearm**
10 **information about person**

11 The Commissioner may disclose relevant firearm information
12 about a person to any of the following —

- 13 (a) any law enforcement agency (including a law
14 enforcement agency in another jurisdiction);
15 (b) a person or body with functions under the law of another
16 jurisdiction that are substantially similar to the functions
17 of the Commissioner under this Act;
18 (c) the holder of a firearm authority if the Commissioner is
19 satisfied that disclosure of the information will assist the
20 holder to comply with this Act;
21 (d) any State agency engaged in the provision of services if
22 the Commissioner is of the opinion that it is in the
23 public interest in connection with the provision of those
24 services that the State agency is aware of relevant
25 firearm information about the person.

26 **Division 3 — Confidentiality of information**

27 **382. Confidentiality**

- 28 (1) A person must not, directly or indirectly, use or disclose any
29 information obtained by the person because of —
30 (a) the person's office, position, employment or
31 engagement under or for the purposes of this Act; or

1 (b) any disclosure made to the person under or for the
2 purposes of this Act.

3 Penalty for this subsection: a fine of \$10 000.

4 (2) Subsection (1) does not apply in relation to the use or disclosure
5 of information that is —

6 (a) already in the public domain; or

7 (b) statistical or other information that could not reasonably
8 be expected to lead to the identification of any person to
9 whom it relates.

10 (3) A person does not commit an offence under subsection (1) if the
11 use or disclosure of the information is authorised under
12 section 383(1).

13 **383. Authorised use or disclosure of information**

14 (1) For the purposes of this Act, the use or disclosure of
15 information is authorised if the information is used or disclosed
16 in good faith —

17 (a) for the purposes of, or in connection with, performing a
18 function under this Act or another law; or

19 (b) as required or authorised under this Act or another law;
20 or

21 (c) for the purposes of any legal proceedings arising under
22 this Act or another law; or

23 (d) under an order of a court or other person or body acting
24 judicially; or

25 (e) with the consent of the person to whom the information
26 relates; or

27 (f) in other circumstances prescribed by the regulations.

28 (2) If the use or disclosure of information is authorised under
29 subsection (1) —

30 (a) no civil or criminal liability is incurred in respect of the
31 use or disclosure; and

- 1 (b) the use or disclosure is not to be regarded as a breach of
- 2 any duty of confidentiality or secrecy imposed by law;
- 3 and
- 4 (c) the use or disclosure is not to be regarded as a breach of
- 5 professional ethics or standards or as unprofessional
- 6 conduct.

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Part 13 — Evidentiary matters

384. Averments in prosecution documents

In a prosecution for an offence under this Act an averment as to any of the following matters in the prosecution notice or indictment is evidence of the matters averred —

- (a) that a person is or is not, or at a particular time was or was not, the holder of a particular firearm authority;
- (b) that a particular thing is a firearm, major firearm part, ammunition, component of ammunition, prohibited accessory, prohibited firearm, prohibited ammunition or component of prohibited ammunition;
- (c) that a particular firearm is a firearm of a particular category;
- (d) that a particular firearm or ammunition is of a particular calibre or kind;
- (e) that a particular firearm authority was, at a particular time, subject to a particular condition;
- (f) that a person named in the prosecution notice or indictment is, or at a particular time was —
 - (i) a police officer acting with the authority of the Commissioner; or
 - (ii) a police officer or employee of the Department to whom a particular function has or had been delegated by the Commissioner;
- (g) that an authorisation or delegation granted by the Commissioner under this Act is, or at a particular time was, subject to a particular condition;
- (h) that particular premises are a place to which an approval or a requirement under this Act applies, or at a particular time applied.

1 **385. Evidence in proceedings**

2 (1) In this section —

3 *official document* means a document purporting to be, or to be
4 a copy of or extract from —

5 (a) a firearm authority or other document issued under this
6 Act; or

7 (b) a document provided or produced to the Commissioner
8 or a police officer in connection with any application or
9 request for information under this Act.

10 (2) An official document is evidence that is admissible, and is to be
11 accepted as to the matter contained in the document in the
12 absence of proof to the contrary.

13 (3) An official document that is proved to be an examined copy or
14 extract, purporting to be signed and certified as such by or on
15 behalf of the Commissioner, is for all purposes sufficient
16 evidence of the matter contained in the original without
17 producing the original.

18 **386. Onus of proving reasonable excuse, lawful excuse or lawful**
19 **purpose**

20 In any proceedings for an offence under this Act, the onus of
21 proving that conduct was engaged in with reasonable excuse or
22 lawful excuse, or for a lawful purpose, lies on the person
23 asserting it.

1 **Part 14 — Advertising, supply and reporting**
2 **requirements**

3 **387. Advertising firearms and related things for sale**

4 (1) A person must not advertise a firearm or related thing for sale
5 unless the advertisement includes the following particulars —

- 6 (a) for a firearm — the type, make, serial number and
7 calibre of the firearm, and any particulars prescribed by
8 the regulations;
- 9 (b) for a major firearm part — a description of the major
10 firearm part, including any serial number, and any
11 particulars prescribed by the regulations;
- 12 (c) for any other related thing — any particulars prescribed
13 by the regulations.

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

15 (2) This section does not apply to advertising a firearm or related
16 thing for sale if the sale will be under the authority of a Trade
17 Licence.

18 **388. Advertising under Trade Licence**

19 (1) A person must not advertise a firearm or related thing for sale if
20 the sale will be under the authority of a Trade Licence unless
21 the advertisement includes the particulars required by this
22 section.

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

24 (2) For an advertisement for the sale of a firearm or major firearm
25 part, the following particulars are required —

- 26 (a) the licence number of the licence;
- 27 (b) the business name of the licensee or other particulars
28 sufficient to identify the licensee;
- 29 (c) any particulars prescribed by the regulations.

- 1 (3) For an advertisement for the sale of a related thing that is not a
2 major firearm part, the particulars required are any particulars
3 prescribed by the regulations.

4 **389. Advertising prohibited accessories for sale**

5 A person must not advertise a prohibited accessory for sale.

6 Penalty: a fine of \$5 000.

7 **390. Sending firearms and related things by post**

- 8 (1) A person who sends a firearm or related thing by post must
9 comply with the requirements of this section.

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

- 11 (2) For a firearm, major firearm part or prohibited accessory, the
12 following requirements apply —

13 (a) the person must address the firearm or major firearm
14 part to premises at which the business of a dealer in
15 firearms is lawfully carried on; and

16 (b) the person must not send ammunition in a package
17 containing a firearm or major firearm part; and

18 (c) the person must comply with any requirements of the
19 regulations.

- 20 (3) For any other related thing, the person must comply with any
21 requirements of the regulations.

- 22 (4) This section extends to the sending of a firearm or related thing
23 by post to a destination that is outside the State.

24 **391. Reporting loss of firearm or related thing**

25 If a person who is in possession of a firearm or related thing
26 under the authority of a licence or permit loses the firearm or
27 related thing (including loss occasioned by theft), the person

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1 must as soon as practicable report the loss to the Commissioner
2 in the approved manner.

3 Penalty: a fine of \$10 000.

4 **392. Reporting destruction of firearm, major firearm part or**
5 **prohibited accessory**

6 If the holder of a licence or permit becomes aware that a
7 firearm, major firearm part or prohibited accessory in the
8 person's possession under the authority of the licence or permit
9 has been destroyed otherwise than by the authority of the
10 Commissioner, the person must report its destruction as soon as
11 practicable to the Commissioner in the approved manner.

12 Penalty: a fine of \$10 000.

13 **393. Reporting supply of firearm or related thing**

14 (1) A person (the *supplier*) who supplies a firearm or major firearm
15 part possessed by the person under the authority of a licence or
16 permit must as soon as practicable —

17 (a) report the supply to the Commissioner in the approved
18 manner; and

19 (b) include in the report any information that is prescribed
20 by the regulations.

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

22 (2) The regulations may provide for exceptions to subsection (1).

23 (3) This section applies whether the supply occurs in or outside the
24 State and includes a supply where the supplier takes or sends the
25 firearm or major firearm part from the State for the purposes of
26 supply.

Part 15 — General

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2 **394. Protection from liability**

3 (1) In this section —

4 *protected person* means the Commissioner, a police officer or
5 an employee of the Department.

6 (2) An action in tort does not lie against a protected person for
7 anything done or omitted to be done by the protected person, in
8 good faith, in —

9 (a) the administration or purported administration of this
10 Act; or

11 (b) the performance or purported performance of a function
12 under this Act.

13 (3) The State is not relieved of any liability it might have for
14 another person having done or omitted to do anything as
15 described in subsection (2).

16 (4) This section applies in addition to the *Police Act 1892*
17 section 137.

18 **395. Persons concerned in commission of offence**

19 Without limiting *The Criminal Code* section 7, a person who by
20 act or omission is in any way directly or indirectly knowingly
21 concerned in the commission of any offence against this Act is
22 taken to have committed that offence and is punishable
23 accordingly.

24 **396. Limitation periods**

25 A prosecution for any of the following offences can be
26 commenced at any time within 2 years after the date on which
27 the alleged offence was alleged to have been committed —

28 (a) an offence under section 207 or 208;

29 (b) an offence under Part 5 to which section 286 applies;

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- 1 (c) an offence under section 303;
- 2 (d) an offence under section 304;
- 3 (e) an offence under section 369;
- 4 (f) an offence under section 391, 392 or 393.

5 **397. Compliance with approved forms**

6 If a form approved by the Commissioner or prescribed by the
7 regulations requires the form to be completed in a specified
8 manner, or requires specified information to be included in,
9 attached to or furnished with the form, the form is not duly
10 completed unless it is completed in that manner and unless it
11 includes, or has attached to or furnished with it, that
12 information.

13 **398. Fees**

- 14 (1) The regulations may —
 - 15 (a) require the payment of a fee (a *prescribed fee*) for or in
16 connection with the making of an application under this
17 Act or the grant, issue, amendment or renewal of a
18 firearm authority, licence card or any other matter under
19 this Act; and
 - 20 (b) provide for the amount of a prescribed fee as a specified
21 amount or as an amount to be calculated in a specified
22 manner; and
 - 23 (c) prescribe the person liable for the payment of a
24 prescribed fee; and
 - 25 (d) prescribe the method of recovery of a prescribed fee not
26 duly paid, including by the confiscation and sale of any
27 firearm or related thing to which it relates.
- 28 (2) The Commissioner may reduce, waive payment of or refund a
29 prescribed fee that is payable or has been paid.
- 30 (3) A prescribed fee paid in connection with the making of an
31 application under this Act is not required to be refunded if the

1 application is rejected as not properly made or is refused or
2 withdrawn.

3 (4) This section does not limit the *Interpretation Act 1984*
4 section 45.

5 **399. Regulations**

6 (1) The Governor can make regulations prescribing all matters that
7 are required or permitted by this Act to be prescribed, or are
8 necessary or convenient to be prescribed for giving effect to this
9 Act.

10 (2) Without limiting subsection (1), the regulations may make
11 provision for or with respect to the following —

12 (a) applications for, and the grant, renewal, suspension and
13 cancellation of, firearm authorities;

14 (b) matters to which regard may or must be had in
15 determining whether a person meets firearm authority
16 health standards;

17 (c) requiring the keeping of records by the holder of a
18 firearm authority, including a requirement that an entry
19 in a record be verified by statutory declaration or in any
20 other approved manner;

21 (d) the content of records required to be kept by the
22 regulations, the manner in which records must be kept
23 and the period for which records must be retained;

24 (e) requiring a person in possession of any record required
25 to be kept by the regulations to produce the record for
26 inspection by a police officer and to permit a police
27 officer to make a copy of, or of any entry in, the record;

28 (f) requiring the holder of a firearm authority to notify the
29 Commissioner of a change in the personal particulars of
30 the holder or in any particular that is recorded in or
31 relevant to the firearm authority;

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- 1 (g) requiring the holder of a firearm authority to report to
2 the Commissioner on any matter relevant to the firearm
3 authority;
- 4 (h) the manner in which information must be reported or
5 notified to the Commissioner,
- 6 (i) the forms to be used for the purposes of this Act, and the
7 manner of, and the time for, their completion, including
8 a requirement that information supplied be verified by
9 statutory declaration;
- 10 (j) restricting the amount of ammunition that can be
11 possessed by a person;
- 12 (k) regulating the sending or conveyance of firearms and
13 related things;
- 14 (l) the construction and operation of licensed firearm
15 ranges (including shooting galleries);
- 16 (m) the recognition for the purposes of this Act of a licence,
17 permit or other authority in force under the law of
18 another Australian jurisdiction and, for that purpose,
19 providing for such a licence, permit or other authority to
20 have effect as a licence, permit or approval under this
21 Act;
- 22 (n) any other purpose necessary for ensuring public safety
23 in relation to firearms and related things.
- 24 (3) The regulations may provide that contravention of a regulation
25 is an offence, and provide, for an offence against the
26 regulations, a penalty not exceeding a fine of \$5 000.

27 **400. Review of Act**

- 28 (1) The Minister must review the operation and effectiveness of this
29 Act, and prepare a report based on the review, as soon as
30 practicable after the 5th anniversary of the day on which this
31 section comes into operation.

- 1 (2) The Minister must cause the report to be laid before each House
2 of Parliament as soon as practicable after it is prepared, but not
3 later than 18 months after the 5th anniversary.
- 4 (3) In reviewing the operation and effectiveness of this Act, the
5 Minister must have regard to the principles and objects of this
6 Act.

1 **Part 16 — Savings and transitional provisions**

2 **Division 1 — General**

3 **401. Terms used**

4 In this Part —

5 **1973 Act** means the *Firearms Act 1973*;

6 **1973 Act authority** means a licence, permit or approval under
7 the 1973 Act;

8 **commencement day** means the day on which section 438 comes
9 into operation;

10 Note for this definition:

11 Section 438 repeals the *Firearms Act 1973*.

12 **pending application** means an application for, or for the
13 renewal of, a 1973 Act authority that —

- 14 (a) was made under the 1973 Act before this Part comes
15 into operation but that had not been determined under
16 the 1973 Act before this Part comes into operation; or
17 (b) is made under the 1973 Act after this Part comes into
18 operation.

19 **402. Transitional regulations**

20 (1) In this section —

21 **publication day**, for regulations made under subsection (2),
22 means the day on which those regulations are published on the
23 WA legislation website;

24 **specified** means specified or described in regulations made
25 under subsection (2);

26 **transitional matter** —

- 27 (a) means a matter that needs to be dealt with for the
28 purpose of effecting the transition required because of
29 the enactment of this Act; and

- 1 (b) includes a saving or application matter.
- 2 (2) If there is no sufficient provision in this Part for dealing with a
3 transitional matter, the Governor may make regulations
4 prescribing matters —
- 5 (a) required to be prescribed for the purpose of dealing with
6 the transitional matter; or
- 7 (b) necessary or convenient to be prescribed for the purpose
8 of dealing with the transitional matter.
- 9 (3) Regulations made under subsection (2) may provide that
10 specified provisions of this Act —
- 11 (a) do not apply to or in relation to a specified matter; or
12 (b) apply with specified modifications to or in relation to a
13 specified matter.
- 14 (4) If regulations made under subsection (2) provide that a specified
15 state of affairs is taken to have existed, or not to have existed,
16 on and after a day that is earlier than publication day for those
17 regulations but not earlier than the day on which the relevant
18 provision of this Act came into operation, the regulations have
19 effect according to their terms.
- 20 (5) If regulations made under subsection (2) contain a provision
21 referred to in subsection (4), the provision does not operate so
22 as to —
- 23 (a) affect in a manner prejudicial to a person (other than the
24 State or an authority of the State) the rights of that
25 person existing before publication day for those
26 regulations; or
- 27 (b) impose liabilities on a person (other than the State or an
28 authority of the State) in respect of an act done or
29 omission made before publication day for those
30 regulations.

1 **403. Interpretation Act 1984 not affected**

2 This Part is in addition to the provisions of the *Interpretation*
3 *Act 1984* and does not limit or otherwise affect the operation of
4 those provisions.

5 **404. References to 1973 Act**

6 (1) Unless the context otherwise requires, a reference in a document
7 or instrument to the 1973 Act includes a reference to this Act.

8 (2) Unless the context otherwise requires, a reference in a document
9 or instrument to a provision of the 1973 Act (the *old provision*)
10 includes, if there is a provision of this Act (the *new provision*)
11 that corresponds to the old provision, a reference to the new
12 provision.

13 **405. Delegations under 1973 Act**

14 (1) A delegation in force under a provision of the 1973 Act may be
15 revoked before commencement day.

16 (2) A delegation may be made under a provision of this Act, before
17 commencement day and before the provision comes into
18 operation, to have effect before commencement day for the
19 purposes of the operation of this Part.

20 (3) A delegation in force immediately before commencement day
21 under a provision of the 1973 Act is taken to be a delegation
22 under the corresponding provision of this Act.

23 **406. Directions about corresponding provisions and pending**
24 **applications**

25 (1) The Commissioner may give directions that —

26 (a) determine any questions as to which licence, permit or
27 approval under this Act corresponds to a licence, permit
28 or approval under the 1973 Act; or

- 1 (b) determine any question as to which provision of this Act
2 corresponds to a provision of the 1973 Act for the
3 purposes of this Part; or
- 4 (c) determine that a reference in this Part to the
5 corresponding provision of the 1973 Act is to be read as
6 a reference to a specified provision of the 1973 Act; or
- 7 (d) modify the operation of a provision of this Act in respect
8 of a pending application to make appropriate provision
9 for differences between this Act and the 1973 Act; or
- 10 (e) modify the effect of anything done or commenced under
11 the 1973 Act in respect of a pending application to
12 ensure that it has an appropriate effect under this Act.
- 13 (2) Directions under subsection (1) have effect according to their
14 terms.

15 **407. Reference to compliance with this Act**

16 A reference in this Act to compliance with this Act includes
17 compliance with the 1973 Act.

18 **408. Reference to contravention of 1973 Act or conditions**

- 19 (1) A reference in this Act to a contravention of a provision of this
20 Act includes a contravention of a provision of the 1973 Act.
- 21 (2) A reference in this Act to a contravention of a condition of a
22 licence, permit or approval includes a contravention of a
23 condition of a licence, permit or approval under the 1973 Act.

24 **409. Decisions and other matters under 1973 Act**

- 25 (1) In this section —
26 *administrative action* means —
- 27 (a) the refusal to grant, issue or renew a licence, permit or
28 approval under the 1973 Act or this Act; or
- 29 (b) the revocation or cancellation of a licence, permit or
30 approval under the 1973 Act or this Act.

- 1 (2) A reference in this Act to administrative action under this Act
2 includes administrative action under the 1973 Act.
- 3 (3) Any act, matter or thing done under or for the purposes of a
4 provision of the 1973 Act and having effect immediately before
5 commencement day is taken to have been done under or for the
6 purposes of the corresponding provision of this Act.

7 **Division 2 — Transitional licences, permits and approvals**

8 **410. Term used: transitional authority**

9 In this Division —

10 *transitional authority* has the meaning given in section 411(1).

11 **411. Continued operation of 1973 Act authority as transitional**
12 **authority**

- 13 (1) A person who held a 1973 Act authority immediately before
14 commencement day is taken to hold a firearm authority under
15 this Act (a *transitional authority*) to replace the 1973 Act
16 authority on and from commencement day.
- 17 (2) A transitional authority confers the same authority under this
18 Act as the 1973 Act authority that it replaces conferred under
19 the 1973 Act.
- 20 (3) The authority conferred by a transitional authority is subject to
21 any conditions, limitations and restrictions to which it was
22 subject as a 1973 Act authority.

23 **412. Cancellation of transitional authority**

- 24 (1) The Commissioner may, by notice in writing to the holder of a
25 transitional authority, cancel the transitional authority if the
26 Commissioner is of the opinion that there is no firearm authority
27 under this Act that is suitable and appropriate to replace the
28 1973 Act authority concerned.

-
- 1 (2) The cancellation of a transitional authority under this section
2 takes effect when notice of cancellation is given to the holder or
3 on a later date notified by the Commissioner in the notice of
4 cancellation.
- 5 (3) Notice under this section may be given before commencement
6 day and for that purpose a reference in this section to the holder
7 of a transitional authority includes a person who will be the
8 holder of a transitional authority on commencement day.
- 9 (4) If notice under this section is given before commencement day,
10 the cancellation takes effect on commencement day or on a later
11 date notified by the Commissioner in the notice.
- 12 (5) This section does not limit section 415.

13 **413. Directions for appropriate grant of transitional authority**

- 14 (1) In this section —
15 *firearm authority requirement* means —
- 16 (a) a requirement imposed by a provision of this Act in
17 connection with the grant of a firearm authority; or
- 18 (b) a requirement that the Commissioner is authorised to
19 impose under a provision of this Act in connection with
20 the grant of a firearm authority.
- 21 (2) The Commissioner may direct the holder of a transitional
22 authority to comply with any firearm authority requirement that
23 the Commissioner considers to be necessary or desirable for
24 ensuring compliance with requirements that would apply in
25 respect of the grant of a firearm authority to replace the
26 transitional authority in the ordinary course of the operation of
27 this Act.
- 28 (3) It is a condition of a transitional authority that a direction under
29 this section must be complied with.

- 1 (4) A condition of a transitional authority may prevent or restrict
2 the possession or use of a firearm under the authority of the
3 transitional authority until a direction under this section is
4 complied with.
- 5 (5) The Commissioner may suspend a transitional authority until a
6 direction under this section is complied with.
- 7 (6) A direction under this section may be given before
8 commencement day and for that purpose a reference in this
9 section to the holder of a transitional authority includes a person
10 who will be the holder of a transitional authority on
11 commencement day.

12 **414. Term and renewal of transitional authority**

- 13 (1) A transitional authority remains in force for the remainder of the
14 term of the 1973 Act authority that it replaces unless —
- 15 (a) the term of the transitional authority is changed by the
16 Commissioner under subsection (2); or
- 17 (b) the transitional authority is sooner replaced under
18 section 417 or cancelled.
- 19 (2) The Commissioner may change the term of a transitional
20 authority by notice in writing to the holder of the transitional
21 authority for the purpose of effecting the transition required
22 because of the enactment of this Act.
- 23 (3) A transitional authority cannot be renewed as a transitional
24 authority but may be replaced with a firearm authority under
25 this Act that is granted under section 417 or that is granted on
26 application in the ordinary course of the operation of this Act.

27 **415. Cancellation, suspension and conditions of transitional**
28 **authority**

- 29 (1) A transitional authority is subject to the provisions of this Act
30 that require or authorise the cancellation or suspension of a
31 firearm authority.

1 (2) Section 187 applies to a transitional authority.

2 Note for this subsection:

3 Section 187 provides for the conditions of a firearm authority.

4 **416. Action before commencement day for cancellation or**
5 **suspension of transitional authority**

6 (1) In this section —

7 *authorised action* means action comprising, or for the purposes
8 of, the cancellation or suspension of a transitional authority.

9 (2) The Commissioner may, before commencement day, take any
10 authorised action in respect of a transitional authority that the
11 Commissioner would be authorised or required to take under
12 this Act on or after commencement day.

13 (3) Authorised action taken by the Commissioner under this section
14 has effect on commencement day or a later day specified by the
15 Commissioner.

16 **417. Grant of firearm authority to replace transitional authority**

17 (1) The Commissioner may replace a transitional authority by
18 granting to the holder of the transitional authority a firearm
19 authority under this Act (a *replacement authority*).

20 (2) A replacement authority is to be granted as a firearm authority
21 of a kind, and subject to the conditions, that the Commissioner
22 considers suitable and appropriate to replace the transitional
23 authority and give effect to any conditions, limitations and
24 restrictions to which it was subject.

25 (3) A transitional authority ceases to have effect if and when a
26 replacement authority is granted.

27 (4) The term of a replacement authority is the remainder of the term
28 of the transitional authority that it replaces unless the
29 Commissioner otherwise determines in a particular case.

1 **418. Licence card for transitional authority**

2 The Commissioner may issue a licence card under this Act for a
3 transitional authority before, on or after commencement day.

4 **419. Exemptions under 1973 Act**

5 (1) In this section —

6 **1973 Act exemption** means an exemption under the 1973 Act
7 section 8 as in force immediately before commencement day.

8 (2) For the period of 12 months starting on commencement day, a
9 1973 Act exemption —

10 (a) continues to confer any authority in respect of a
11 transitional authority as it would have conferred under
12 the 1973 Act in respect of the 1973 Act authority that
13 the transitional authority replaces; and

14 (b) has any additional operation or effect under this Act in
15 respect of a transitional authority that the regulations
16 provide.

17 (3) The regulations may limit the operation of subsection (2) and in
18 particular may impose conditions on the possession or use of a
19 firearm under the authority of subsection (2).

20 (4) The Commissioner may replace a 1973 Act exemption in its
21 application to a person by granting to the person a firearm
22 authority under this Act (a **replacement authority**) to replace the
23 exemption.

24 (5) A replacement authority is to be granted as a firearm authority
25 of a kind, and subject to the conditions, that the Commissioner
26 considers suitable and appropriate to replace the 1973 Act
27 exemption and give effect to any conditions, limitations and
28 restrictions to which it was subject.

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- 1 (6) This section applies with the following limitations in respect of
2 an exemption under the 1973 Act section 8(1)(h) —
3 (a) the exemption only applies in respect of a firearm to
4 which a transitional authority applies;
5 (b) the exemption only applies to the use of the firearm by
6 the holder of the transitional authority or an employee of
7 the holder.

8 **420. Pending applications**

- 9 (1) A pending application may —
10 (a) be dealt with and determined under the 1973 Act before
11 commencement day; or
12 (b) be dealt with and determined as an application made
13 under this Act for, or for the renewal of, the firearm
14 authority under this Act that the Commissioner
15 considers appropriate.
- 16 (2) If a pending application is being dealt with under
17 subsection (1)(b) on or after commencement day, this Division
18 applies in respect of the 1973 Act authority with which the
19 application is concerned until the application is determined.
- 20 (3) The Commissioner may treat a pending application as having
21 been made with such modifications as the Commissioner
22 determines to be appropriate for the purposes of its proper
23 determination as an application under this Act.
- 24 (4) A pending application must be refused on or before
25 commencement day if the applicant is a prohibited person or
26 disqualified person.
- 27 (5) The refusal of a pending application under subsection (4) has
28 effect immediately before commencement day.

1 **421. Authority for sound suppressor**

2 An authority in force under the 1973 Act section 17B
3 immediately before commencement day is taken to be a
4 1973 Act authority for the purposes of this Division.

5 **422. Permits under 1973 Act**

6 A permit held under the 1973 Act is taken to have been held
7 under this Act for the purposes of section 181.

8 Note for this section:

9 Section 181 limits the period for which a permit may be in force.

10 **423. Effect of 1973 Act authorities after commencement day**

11 Except as provided by this Division, a 1973 Act authority ceases
12 to have effect immediately before commencement day.

13 **Division 3 — Prohibited and disqualified persons**

14 **424. Firearms prohibition orders under 1973 Act**

15 (1) A firearms prohibition order made and served under the
16 1973 Act and in force under the 1973 Act immediately before
17 commencement day is taken to be a firearms prohibition order
18 made, served and in force under this Act.

19 (2) A firearms prohibition order made under the 1973 Act but not
20 served under the 1973 Act before commencement day and not
21 revoked under the 1973 Act before commencement day is taken
22 to be a firearms prohibition order made under this Act and may
23 be served under this Act.

24 (3) For the purpose of calculating the period for which a firearms
25 prohibition order has been in force, any period for which the
26 order was in force under the 1973 Act before commencement
27 day is to count as a period for which the order has been in force.

1 **425. Disqualified persons**

2 Section 9 of this Act extends to —

- 3 (a) a disqualifying offence committed before
4 commencement day; and
- 5 (b) a disqualifying order made before commencement day;
6 and
- 7 (c) membership of a disqualifying organisation before
8 commencement day; and
- 9 (d) a disqualifying period that started before
10 commencement day.

11 **426. Notification of disqualifying offences and orders**

12 Section 197 applies in respect of —

- 13 (a) a disqualifying order made against a person before
14 commencement day as if the disqualifying order had
15 been made on commencement day; or
- 16 (b) a person charged with a disqualifying offence before
17 commencement day as if the person had been charged
18 on commencement day; or
- 19 (c) a finding of guilt made before commencement day in
20 relation to a disqualifying offence committed by a
21 person as if the finding of guilt had been made on
22 commencement day.

23 **Division 4 — Review of decisions under 1973 Act**

24 **427. Terms used**

25 In this Division —

26 ***Commissioner's decision*** means a decision (including a
27 decision to impose a restriction, limitation or condition) made
28 by or on behalf of the Commissioner or a delegate of the
29 Commissioner;

1 *pending Tribunal proceedings* means proceedings on a review
2 of a Commissioner's decision under the 1973 Act that are
3 pending before the Tribunal immediately before commencement
4 day;

5 *review provisions of this Act* means the provisions of Part 9 of
6 this Act;

7 *Supreme Court proceeding* has the meaning given in the
8 1973 Act section 22AA;

9 *Tribunal* means the State Administrative Tribunal.

10 **428. Review of decisions under 1973 Act**

11 (1) The *State Administrative Tribunal Act 2004* and the review
12 provisions of this Act apply on and from commencement day in
13 respect of a Commissioner's decision under the 1973 Act made
14 before commencement day as if the Commissioner's decision
15 were under this Act.

16 (2) A decision of the Tribunal on a review of a Commissioner's
17 decision under the 1973 Act that has not been given effect to by
18 the Commissioner under the 1973 Act before commencement
19 day must be given effect to by the Commissioner under this Act.

20 (3) If a Commissioner's decision under the 1973 Act is the subject
21 of pending Tribunal proceedings, those proceedings are to
22 continue and be dealt with by the Tribunal under this Act as if
23 the Commissioner's decision were under this Act.

24 **429. Supreme Court proceedings**

25 (1) A Supreme Court proceeding that is pending immediately
26 before commencement day is to continue and be dealt with on
27 the basis that the pending Tribunal proceedings with which the
28 Supreme Court proceeding is concerned will be dealt with under
29 this Act.

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- 1 (2) A decision made after commencement day in a Supreme Court
2 proceeding in respect of pending Tribunal proceedings is to be
3 given effect to as a decision in respect of the pending Tribunal
4 proceedings as continued and dealt with under this Act.

5 **430. Clause 5 matter**

- 6 (1) In this section —
7 *clause 5 matter* has the meaning given in the 1973 Act
8 section 22(3)(a);
9 *notified exempt material* means any supporting material that is
10 the subject of a notification to the Tribunal under
11 section 335(1).

- 12 (2) Matter identified by the Commissioner under the 1973 Act
13 section 22(3)(b) as clause 5 matter is taken to be notified
14 exempt material for the purposes of the review provisions of
15 this Act in the application of those provisions to pending
16 Tribunal proceedings and to Supreme Court proceedings in
17 respect of pending Tribunal proceedings.

18 **Division 5 — Miscellaneous**

19 **431. Grant of first licence: 42-day delay**

20 A reference in section 170 to a licence under this Act includes a
21 licence under the 1973 Act.

22 **432. Firearm use by supervised young person under Individual**
23 **Licence**

24 For the purposes of section 31, any period for which a person
25 held a Firearm Licence under the 1973 Act counts as a period
26 for which the person has held an Individual Licence under this
27 Act.

1 **433. Averments in prosecution documents**

2 A reference in section 384 to an offence or other matter under
3 this Act includes an offence or a corresponding matter under the
4 1973 Act.

5 **434. Accredited society of collectors**

6 A body corporate designated as an accredited society of
7 collectors under the 1973 Act section 15A with effect
8 immediately before commencement day is taken to have been
9 approved under section 70(1) of this Act as an approved society
10 of firearm collectors.

11 **435. Search warrants**

12 A search warrant in force under the 1973 Act section 26
13 immediately before commencement day continues in force in
14 accordance with its terms notwithstanding the repeal of that
15 section.

16 **436. Surrendered firearms, major firearm parts and ammunition**

17 A firearm, major firearm part or ammunition surrendered under
18 the 1973 Act section 33A(1) is taken to have been surrendered
19 under section 339(1) of this Act on the date of its surrender
20 under the 1973 Act for the purposes of the application of Part 10
21 of this Act to and in respect of the surrendered firearm, major
22 firearm part or ammunition.

23 **437. Provision of information**

24 (1) Part 12 extends to the provision of information about matters
25 occurring before commencement day.

26 (2) Section 376 extends to information (including information in
27 the form of an opinion) provided to the Commissioner in good
28 faith under the 1973 Act section 15B or 18(4c) or Part 6 as if the
29 information had been provided under Part 12 of this Act.

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Part 17 — Repeals and consequential and related amendments

Division 1 — Act repealed

438. *Firearms Act 1973* repealed

The *Firearms Act 1973* is repealed.

Division 2 — Subsidiary legislation repealed

439. *Firearms Regulations 1974* repealed

The *Firearms Regulations 1974* are repealed.

Division 3 — Acts amended

Subdivision 1 — *Children and Community Services Act 2004* amended

440. Act amended

This Subdivision amends the *Children and Community Services Act 2004*.

441. Section 112 amended

In section 112 delete the definition of *firearm article* and insert:

firearm article means a firearm, major firearm part, prohibited accessory, or ammunition, as those terms are defined in the *Firearms Act 2024* section 5;

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Part 17 Repeals and consequential and related amendments

Division 3 Acts amended

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1 **Subdivision 2 — *Corruption, Crime and Misconduct Act 2003***
2 **amended**

3 **442. Act amended**

4 This Subdivision amends the *Corruption, Crime and*
5 *Misconduct Act 2003*.

6 **443. Section 184 amended**

7 Delete section 184(5) and insert:

8
9 (5) The *Firearms Act 2024* section 17 applies to an
10 authorised officer when acting in their capacity as an
11 officer of the Commission as if the authorised officer
12 were a police officer acting in the ordinary course of
13 their duties as a police officer.
14

15 Note: The heading to amended section 184 is to read:

16 **Appointment and functions of authorised officers**

17 **444. Section 229 inserted**

18 At the end of Part 15 insert:

19
20 **229. Savings**

21 A reference in Schedule 1 clause 2 to an offence under
22 a provision of the *Firearms Act 2024* Part 5 Divisions 1
23 to 4 includes an offence against regulations made under
24 the *Firearms Act 1973* section 6(1).
25

1 **445. Schedule 1 amended**

2 In Schedule 1 clause 2 delete “against regulations made under
3 s. 6(1) of the *Firearms Act 1973*” and insert:

4

5 under a provision of the *Firearms Act 2024* Part 5 Divisions 1 to 4

6

7 **Subdivision 3 — *Court Security and Custodial Services Act 1999***
8 **amended**

9 **446. Act amended**

10 This Subdivision amends the *Court Security and Custodial*
11 *Services Act 1999*.

12 **447. Section 90 amended**

13 In section 90(4) in the definition of *firearm* delete “that it has in
14 the *Firearms Act 1973*,” and insert:

15

16 given in the *Firearms Act 2024* section 6;

17

18 **448. Section 95 amended**

19 Delete section 95(a) and insert:

20

- 21 (a) an offence under the *Firearms Act 2024* in
22 relation to possession of a firearm, major
23 firearm part, prohibited accessory, firearms
24 technology or ammunition (as those terms are
25 defined in the *Firearms Act 2024* section 5); or
26

27 Note: The heading to amended section 95 is to read:

28 **Authorised persons may possess certain items lawfully**

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Part 17 Repeals and consequential and related amendments

Division 3 Acts amended

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Subdivision 4 — *The Criminal Code* amended

449. Act amended

This Subdivision amends *The Criminal Code*.

450. Section 68D amended

In section 68D(1) in the definition of *prescribed amount* delete “*Firearms Act 1973* section 19(1ab)(a)(ii).” and insert:

Firearms Act 2024 section 216(1).

451. Section 378 amended

In section 378(5)(g) delete “*Firearms Act 1973* section 4;” and insert:

Firearms Act 2024 section 6;

452. Section 417A amended

In section 417A(4A) delete “*Firearms Act 1973* section 4,” and insert:

Firearms Act 2024 section 6,

1 **Subdivision 5 — *Criminal Investigation (Covert Powers) Act 2012***
 2 **amended**

3 **453. Act amended**

4 This Subdivision amends the *Criminal Investigation (Covert*
 5 *Powers) Act 2012*.

6 **454. Section 5 amended**

7 In section 5 in the definition of *relevant offence*
 8 paragraph (b)(iii) delete “*Firearms Act 1973*,” and insert:

9
 10 *Firearms Act 2024*;
 11

12 **Subdivision 6 — *Criminal Organisations Control Act 2012* amended**

13 **455. Act amended**

14 This Subdivision amends the *Criminal Organisations Control*
 15 *Act 2012*.

16 **456. Section 3 amended**

17 (1) In section 3(1) delete the definition of *firearms authorisation*
 18 and insert:

19
 20 *firearms authorisation* means —

- 21 (a) a licence, permit, approval or exemption under
 22 the *Firearms Act 2024* that entitles a person to
 23 be in possession of a firearm item; or
 24 (b) a licence card (as defined in section 204 of that
 25 Act) issued in respect of a licence, permit,
 26 approval or exemption referred to in
 27 paragraph (a);
 28

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Division 3 Acts amended

s. 457

- 1 (2) In section 3(1) in the definition of *firearm item*:
2 (a) delete “as defined in the *Firearms Act 1973*
3 section 4 —” and insert:
4
5 as those terms are defined in the *Firearms Act 2024*
6 section 5 —
7
8 (b) in paragraph (c) delete “firearm”.
- 9 **457. Section 80 amended**
10 In section 80(1) in the definition of *prescribed activity* delete
11 paragraph (c) and insert:
12
13 (c) any activity that requires a Trade Licence,
14 Business Licence or Range Licence under the
15 *Firearms Act 2024*;
16
- 17 **458. Section 83 amended**
18 Delete section 83(3)(a) and insert:
19
20 (a) the *Firearms Act 2024* Part 11;
21
- 22 **459. Section 84 amended**
23 (1) In section 84(2)(b) delete “*Firearms Act 1973* section 20(4).”
24 and insert:
25
26 *Firearms Act 2024* section 196.
27

1 (2) In section 84(4)(c)(i) delete “dispose of the firearm item under
2 the *Firearms Act 1973* section 33” and insert:

3

4 deal with the firearm item under the *Firearms Act 2024*
5 section 366

6

7 **Subdivision 7 — *Cross-border Justice Act 2008* amended**

8 **460. Act amended**

9 This Subdivision amends the *Cross-border Justice Act 2008*.

10 **461. Section 68 amended**

11 Delete section 68(2)(g) and insert:

12

13 (g) under the *Firearms Act 2024* in respect of an
14 order that may be made under section 367 of
15 that Act;

16

17 **Subdivision 8 — *Disposal of Uncollected Goods Act 1970* amended**

18 **462. Act amended**

19 This Subdivision amends the *Disposal of Uncollected Goods*
20 *Act 1970*.

21 **463. Schedule amended**

22 In the Schedule delete “*Firearms Act 1973*.” and insert:

23

24 *Firearms Act 2024*.

25

1 **Subdivision 9 — *Domestic Violence Orders (National Recognition)***
2 ***Act 2017* amended**

3 **464. Act amended**

4 This Subdivision amends the *Domestic Violence Orders*
5 (*National Recognition*) Act 2017.

6 **465. Section 21 amended**

7 (1) In section 21(1) in the definition of *local firearms licence* delete
8 “other authorisation under the *Firearms Act 1973*,” and insert:

9

10 approval under the *Firearms Act 2024*;

11

12 (2) In section 21(1) in the definition of *non-local firearms licence*
13 delete “(within the meaning of the *Firearms Act 1973*)” and
14 insert:

15

16 (as defined in the *Firearms Act 2024* section 6)

17

18 **Subdivision 10 — *Fair Trading Act 2010* amended**

19 **466. Act amended**

20 This Subdivision amends the *Fair Trading Act 2010*.

21 **467. Schedule 1 amended**

22 In Schedule 1 delete “*Firearms Act 1973*” and insert:

23

24 *Firearms Act 2024*

25

1 **Subdivision 11 — *Firearms Act 2024* amended**

2 **468. Act amended**

3 This Subdivision amends the *Firearms Act 2024*.

4 **469. Section 11 amended**

5 In section 11(1)(d) delete “unsoundness of mind” and insert:

6

7 mental impairment

8

9 **Subdivision 12 — *Major Events Act 2023* amended**

10 **470. Act amended**

11 This Subdivision amends the *Major Events Act 2023*.

12 **471. Section 4 amended**

13 In section 4 in the definition of *firearm* delete “*Firearms*
14 *Act 1973* section 4;” and insert:

15

16 *Firearms Act 2024* section 6;

17

18 **Subdivision 13 — *Pawnbrokers and Second-hand Dealers Act 1994***
19 **amended**

20 **472. Act amended**

21 This Subdivision amends the *Pawnbrokers and Second-hand*
22 *Dealers Act 1994*.

1 **473. Section 4 amended**

2 (1) In section 4(1)(a) delete “Act;” and insert:

3

4 Act; or

5

6 (2) Delete section 4(1)(b) and insert:

7

8 (b) the holder of a Firearm Dealer Licence under
9 the *Firearms Act 2024* who is acting in
10 accordance with that licence; or

11

12 **Subdivision 14 — *Prisons Act 1981* amended**

13 **474. Act amended**

14 This Subdivision amends the *Prisons Act 1981*.

15 **475. Section 49B amended**

16 Delete section 49B(1)(a) and insert:

17

18 (a) an offence under the *Firearms Act 2024* in
19 relation to possession of a firearm, major
20 firearm part, prohibited accessory, firearm
21 technology or ammunition (as those terms are
22 defined in the *Firearms Act 2024* section 5; or

23

24 Note: The heading to amended section 49B is to read:

25 **Possession of certain items by prison officers**

1 **Subdivision 15 — *Prohibited Behaviour Orders Act 2010* amended**

2 **476. Act amended**

3 This Subdivision amends the *Prohibited Behaviour Orders*
4 *Act 2010*.

5 **477. Section 3 amended**

6 (1) In section 3(1) delete the definition of *firearms authorisation*
7 and insert:

8

9 *firearms authorisation* means —

10 (a) a licence, permit, approval or exemption under
11 the *Firearms Act 2024* that entitles a person to
12 be in possession of a firearm item; or

13 (b) a licence card (as defined in section 204 of that
14 Act) issued in respect of a licence, permit,
15 approval or exemption referred to in
16 paragraph (a);

17

18 (2) In section 3(1) in the definition of *firearm item*:

19 (a) delete “as defined in the *Firearms Act 1973*
20 section 4 — ” and insert:

21

22 as those terms are defined in the *Firearms Act 2024*
23 section 5 —

24

25 (b) in paragraph (c) delete “firearm”.

26 **Subdivision 16 — *Restraining Orders Act 1997* amended**

27 **478. Act amended**

28 This Subdivision amends the *Restraining Orders Act 1997*.

1 **479. Section 3 amended**

2 (1) In section 3(1) delete the definition of *firearms authorisation*
3 and insert:

4
5 *firearms authorisation* means —

6 (a) a licence, permit, approval or exemption under
7 the *Firearms Act 2024* that entitles a person to
8 be in possession of a firearm item; or

9 (b) a licence card (as defined in section 204 of that
10 Act) issued in respect of a licence, permit,
11 approval or exemption referred to in
12 paragraph (a);
13

14 (2) In section 3(1) in the definition of *firearm item*:

15 (a) delete “as defined in the *Firearms Act 1973*
16 section 4 — ” and insert:

17
18 as those terms are defined in the *Firearms Act 2024*
19 section 5 —
20

21 (b) in paragraph (c) delete “firearm”.

22 **480. Section 14 amended**

23 (1) In section 14(1) delete “Subject to subsection (5), every” and
24 insert:

25
26 Every
27

28 (2) Delete section 14(5) to (7).

1 **Subdivision 17 — *Security and Related Activities (Control) Act 1996***
2 **amended**

3 **481. Act amended**

4 This Subdivision amends the *Security and Related Activities*
5 *(Control) Act 1996*.

6 **482. Section 3 amended**

7 In section 3 in the definition of *firearm* delete “by section 4 of
8 the *Firearms Act 1973*,” and insert:

9
10 in the *Firearms Act 2024* section 6;

11
12 **483. Section 24 amended**

13 In section 24(4) delete “*Firearms Act 1973*.” and insert:

14
15 *Firearms Act 2024*.

16
17 Note: The heading to amended section 24 is to read:

18 **Endorsement for escort of money and other prescribed activities**

19 **484. Section 25 amended**

20 In section 25(4) delete “*Firearms Act 1973*.” and insert:

21
22 *Firearms Act 2024*.

23

1 **Subdivision 18 — *Sentencing Act 1995* amended**

2 **485. Act amended**

3 This Subdivision amends the *Sentencing Act 1995*.

4 **486. Section 106 amended**

5 (1) In section 106(1) delete “*Firearms Act 1973*.” and insert:

6

7 *Firearms Act 2024*.

8

9 (2) In section 106(3) delete “*Firearms Act 1973* —” and insert:

10

11 *Firearms Act 2024* —

12

13 (3) In section 106(5) in the definition of ***firearm*** delete “has the
14 same definition as in the *Firearms Act 1973* and includes a
15 replica firearm” and insert:

16

17 has the meaning given in the *Firearms Act 2024* section 6 and
18 includes an imitation firearm

19

20 (4) In section 106(5) in the definition of ***firearms offence***
21 paragraph (e) delete “*Firearms Act 1973*.” and insert:

22

23 *Firearms Act 2024*.

24

25 Note: The heading to amended section 106 is to read:

26

Disqualification and suspension of firearm authority

1 **487. Section 124G amended**

2 Delete section 124G(1)(a)(i) and insert:

3

- 4 (i) holding or being granted a licence,
5 permit or approval under the *Firearms*
6 *Act 2024*; or
7

8 **488. Schedule 1A amended**

9 (1) Delete Schedule 1A Part 1 clause 5 and insert:

10

5. *Firearms Act 2024*

s. 211	Offence of unlawful possession
s. 212	Offence involving handgun or prohibited firearm
s. 213	Offence involving 3 or more firearms or major firearm parts
s. 214	Offence involving 3 or more firearms or major firearm parts: handgun or prohibited firearm
s. 215	Offence while in immediate possession of prohibited drug or prohibited plant
s. 216	Offence while in immediate possession of large sum of money
s. 218	Offence of unlawful use
s. 219	Offence of unlawful use: handgun or prohibited firearm
s. 221	Offence of unauthorised supply
s. 222	Offence of unauthorised supply involving 3 or more firearms or major firearm parts

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Division 3 Acts amended

s. 488

s. 223	Offence of unauthorised supply involving handgun or prohibited firearm
s. 225	Offence of supplying to unauthorised person
s. 226	Offence involving supply of handgun or prohibited firearm
s. 228	Offence of giving possession to unauthorised person
s. 229	Offence involving giving possession of handgun or prohibited firearm
s. 231	Offence of acquiring as unauthorised person
s. 232	Offence involving acquiring handgun or prohibited firearm
s. 235	Offence involving handgun or prohibited firearm
s. 238	Offence involving handgun or prohibited firearm
s. 240	Unauthorised possession or acquisition of prohibited ammunition
s. 242	Supplying or giving possession of prohibited ammunition without authority
s. 244	Supplying or giving possession of prohibited ammunition to unauthorised person
s. 246	Acquiring or taking possession of prohibited ammunition from unauthorised person

s. 249	Unauthorised possession of ammunition component for purpose of manufacturing prohibited ammunition
s. 251	Unauthorised supply of unassembled components of prohibited ammunition
s. 253	Supplying or giving possession of unassembled components of prohibited ammunition to unauthorised person
s. 255	Unauthorised possession of unassembled components of prohibited ammunition
s. 256	Unauthorised possession, acquisition or supply of prohibited accessory
s. 257	Unauthorised use of firearm fitted with prohibited accessory
s. 258	Acquiring or taking possession of prohibited accessory from unauthorised person
s. 259	Supplying or giving possession of prohibited accessory to unauthorised person
s. 261	Offence of unlawful interference with serial number
s. 262	Offence of unlawful interference with serial number: handgun or prohibited firearm
s. 263	Offence of possession where serial number unlawfully interfered with

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- | | |
|--------|--|
| s. 264 | Offence of possession where serial number unlawfully interfered with: handgun or prohibited firearm |
| s. 265 | Offence of acquiring firearm or major firearm part where serial number unlawfully interfered with |
| s. 266 | Offence of acquiring firearm or major firearm part where serial number unlawfully interfered with: handgun or prohibited firearm |
| s. 267 | Offence of unauthorised supply where serial number unlawfully interfered with |
| s. 268 | Offence of unauthorised supply where serial number unlawfully interfered with: handgun or prohibited firearm |
| s. 270 | Offence of making prohibited alteration |
| s. 271 | Offence of making prohibited alteration: handgun or prohibited firearm |
| s. 272 | Offence of possession of firearm or major firearm part with prohibited alteration |
| s. 273 | Offence of possession of firearm or major firearm part with prohibited alteration: handgun or prohibited firearm |
| s. 274 | Offence of acquiring firearm or major firearm part with prohibited alteration |

s. 275	Offence of acquiring firearm or major firearm part with prohibited alteration: handgun or prohibited firearm
s. 276	Offence of unauthorised supply of firearm or major firearm part with prohibited alteration
s. 277	Offence of unauthorised supply of firearm or major firearm part with prohibited alteration: handgun or prohibited firearm
s. 278	Unauthorised manufacture
s. 279	Unauthorised repair
s. 280	Unauthorised destruction of firearm, major firearm part or prohibited accessory
s. 281	Participating in unauthorised firearm activities
s. 283	Unauthorised possession of firearm technology
s. 284	Unauthorised creation or development of firearm technology
s. 285	Unauthorised dissemination of firearm technology
s. 289	Offence of possessing remote use device
s. 290	Offence of using remote use device
s. 291	Offence of manufacturing remote use device
s. 293	Pointing firearm at another person
s. 294	Use of firearm that causes danger or fear

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Part 17 Repeals and consequential and related amendments

Division 3 Acts amended

s. 488

- s. 295 Giving possession of firearm or related thing to unsuitable person
- s. 296 Use or possession of firearm while intoxicated
- s. 297 Shooting onto, from or across road or public place

1

2

(2) Delete Schedule 1A Part 2 clause 5 and insert:

3

5. *Firearms Act 2024*

- s. 178 Offence of providing false or misleading information
- s. 188 Compliance with conditions
- s. 206 Duty to carry and produce licence card
- s. 207 Unlawful alteration of licence card
- s. 208 Fraudulent possession and use of licence card
- s. 209 Surrender of physical licence card
- s. 234 Offence of acquiring from unauthorised person
- s. 237 Offence of taking possession from unauthorised person
- s. 239 Unauthorised possession or acquisition of ammunition
- s. 241 Supplying or giving possession of ammunition without authority
- s. 243 Supplying or giving possession of ammunition to unauthorised person
- s. 245 Acquiring or taking possession of ammunition from unauthorised person

s. 248	Unauthorised possession of ammunition component for purpose of manufacturing ammunition
s. 250	Unauthorised supply of unassembled components of ammunition
s. 252	Supplying or giving possession of unassembled components of ammunition to unauthorised person
s. 254	Unauthorised possession of unassembled components of ammunition
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s. 303	General duty of safekeeping of firearms and related things
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s. 369	Offence: misleading police officer
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s. 388	Advertising under Trade Licence
s. 389	Advertising prohibited accessories for sale
s. 390	Sending firearms and related things by post
s. 391	Reporting loss of firearm or related thing
s. 392	Reporting destruction of firearm, major firearm part or prohibited accessory

s. 393

Reporting supply of firearm or
related thing

1

2

Subdivision 19 — *Spent Convictions Act 1988* amended

3

489. Act amended

4

This Subdivision amends the *Spent Convictions Act 1988*.

5

490. Schedule 3 amended

6

In Schedule 3 clause 1(1) in the Table item 9 delete “issue of a
licence under the *Firearms Act 1973*.” and insert:

7

8

9

grant of a licence, permit or approval under the *Firearms Act 2024*.

10

11

Subdivision 20 — *Weapons Act 1999* amended

12

491. Act amended

13

This Subdivision amends the *Weapons Act 1999*.

14

492. Section 3 amended

15

In section 3 in the definition of *firearm* delete “same meaning
as in section 4 of the *Firearms Act 1973*,” and insert:

16

17

18

meaning given in the *Firearms Act 2024* section 6;

19

20

Note: The heading to amended section 3 is to read:

21

Terms used

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

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