

# **Firearms Bill 2024**

## **Explanatory Memorandum**

### **Overview of Bill**

The Firearms Bill 2024 (Bill) rewrites the *Firearms Act 1973* (1973 Act), capturing modern firearm developments as well as contemporary legislative practices. The Bill complies with recommendations by the Law Reform Commission of Western Australia, notably the need for the 1973 Act to be completely redrafted due to its ambiguity and being no longer fit for purpose. Additionally, this Act brings Western Australia towards the nationally consistent approach within the 2017 National Firearms Agreement, ensuring public safety is the overriding consideration for the control of firearms.

The Bill addresses identified issues and potential risks to public safety occurring under the 1973 Act by redeveloping the written authority scheme (e.g. property letters), introducing numerical limits on firearm ownership, disqualifying offences and orders, and modernising storage and security requirements for firearms and related things, training requirements, health assessments, firearm licence types and licensing processes. The legislation has been designed with the purpose to minimise the risk firearms pose to public safety.

### **Firearm licence types**

The proposed licensing provisions under the draft Bill allows for a clearer and more comprehensive understanding to firearms licence holders and prospective firearms licence applicants around the genuine reasons available to them for owning and licensing firearms within the State.

### **Written authorities**

The Bill improves written authorities given by property occupiers to use the property for firearm activities (also referred to as property letters) by limiting the relevant licence holder to using the firearm solely on properties for which they have a written authority. Further, the new scheme considers the suitability of a firearm for its use on a specific property to improve on the monitoring and compliance of firearm use, which is expected to contribute positively to public safety.

### **Numerical limits on firearms for individuals**

The Bill introduces a numerical limit on the number of firearms licensable for an Individual Licence and Primary Producer Licence. The introduction of an upper limit and a justification test for each firearm are expected to limit firearms in the community to a manageable number. Given the number of stolen firearms in the State, reducing the number of firearms in the community is expected to curtail the number of firearms in the black market.

### **Storage and security**

The Bill contains modernised principles of security and storage for responsible firearm ownership. The required storage and security principles seek to ensure firearms and

related things are kept secure at all times with consideration for the overriding and paramount principle of public safety.

### **Training requirements**

The Bill will require prescribed training courses to occur with the delivery of approved theoretical modules, as well as practical components delivered by approved trainers at approved facilities. This intends to ensure all holders of firearm authorities have appropriate and standardised firearm safety knowledge to ensure responsible and safe possession and use of firearms.

### **Health assessments**

The Bill introduces a health assessment as part of an original firearm authority application, or for existing authorities, with regard to both physical and mental health. This aims to ensure all firearm authority holders are fit and proper to hold a firearm authority and have access to a firearm or related thing.

### **Disqualifying offences and orders**

The Bill introduces a suite of provisions aimed at removing and preventing firearm authorities and firearms from being obtained by those who have committed serious offences, are subject to a disqualifying order (such as a Family Violence Restraining Order made under the *Restraining Orders Act 1997*), or are members of disqualified organisations. These provisions intend to improve public safety by disqualifying persons identified as risks to others from possessing and using firearms and related things, or engaging in firearm activities.

### **Licensing processes**

The Bill modernises licensing processes by extending the period of time a licence may be granted and renewed for, as well as introducing the ability to issue a licence card or digital licence card to replace existing licence documents.

### **Obligations and offences**

The Bill revises offence provisions from the 1973 Act to provide greater clarity around the obligations placed on the persons authorised to possess and use firearms and related things. The penalties for firearm offences have also been updated to reflect the seriousness of the behaviours and ensure consistency across equivalent offence provisions.

### **Consequential amendments**

The Bill introduces consequential amendments to other legislation. Most significantly, section 14(5)-(7) of the *Restraining Orders Act 1997* was amended to remove the capacity for persons subject to Family Violence Restraining Orders or Violence Restraining Orders from retaining access to their firearms or related things due to their significant risk to others. Amendments have been made to replace mentions of the repealed 1973 Act and update firearms related terminology across legislation in the following Acts: *Children and Community Services Act 2004*; *Corruption, Crime and Misconduct Act 2003*; *Court Security and Custodial Services Act 1999*; *Criminal Code*

*Act Compilation Act 1913; Criminal Investigation (Covert Powers) Act 2012; Criminal Organisations Control Act 2012; Cross-border Justice Act 2008; Disposal of Uncollected Goods Act 1970; Domestic Violence Orders (National Recognition) Act 2017; Fair Trading Act 2010; Major Events Act 2023; Pawnbrokers and Second-hand Dealers Act 1994; Prisons Act 1981; Prohibited Behaviour Orders Act 2010; Restraining Orders Act 1997; Security and Related Activities (Control) Act 1996; Sentencing Act 1995; Spent Convictions Act 1988; and Weapons Act 1999.*

**Terms for this document:**

- **1973 Act:** *Firearms Act 1973*
- **1973 Act s.XX:** means a reference to a section in the 1973 Act to trace the previous provision to a provision in the Bill.
- **Bill:** Firearms Bill 2024

## **Part 1 — Preliminary**

### **Clause 1. Short title**

This clause provides, when the Bill receives Royal Assent, it will be known as the *Firearms Act 2024*.

### **Clause 2. Commencement**

This clause provides Part 1 preliminary provisions come into effect on the day of Royal Assent and Part 16 transitional provisions come into effect the day after Royal Assent.

Part 17 Division 3 Subdivision 11 comes into operation when the *Criminal Law (Mental Impairment) Act 2023* section 412 comes into operation.

The rest of the Bill will come into operation on a date fixed by proclamation to allow for implementation to support the administration of the new provisions.

### **Clause 3. Act binds Crown**

This clause provides the Crown is bound by the Bill but is not made subject to criminal liability.

### **Clause 4. Principles and objects**

Subclause (1) – Describes the underlying principles of the Bill. In particular, it emphasises that firearm ownership is a privilege not a right, and public safety is to be ensured and promoted through safe and responsible firearm ownership.

Subclause (2) – Sets out the objects of the Bill. Highlights the aim to improve public safety, minimise the risk of harm caused by the irresponsible and unsafe use of firearms, and facilitate a nationally consistent approach to firearm control. The Bill is designed to promote a culture of responsible possession and use of firearms, prevent firearms from being accessed and used for criminal purposes, ensure persons who are not fit and proper to possess or use a firearm would not have access to firearms, and reduce both physical and psychological harm that firearms can cause, both to the owner and others.

Subclause (3) – Requires persons performing functions in, or in connection with, the administration of the Bill (including when constituting, or as a member of, a court of tribunal) must have due regard to the principles and objects of this Act.

### **Clause 5. Terms used**

This clause defines certain terms used in the Bill.

**“acquire”** – Includes the acquisition of a firearm or related thing by sale or gift. A person is taken to acquire a firearm or related thing if they purchase the thing in exchange for money, goods or services, or acquire the thing without such an exchange.

The difference between ‘acquiring’ a firearm or related thing and ‘coming

into possession' of such thing is that the former implies an act of seeking possession of the thing by receiving it from another party, while the latter covers the incidental act of having possession without necessarily receiving it from a third party.

The difference between 'acquiring' a firearm or related thing and 'taking possession' of the thing is that the latter act may be authorised without a firearm authority. A person may be allowed to use a firearm, and therefore taking possession of it, under the immediate supervision of a person who is authorised to do so under a relevant firearm authority.

**“ammunition”** – Sets out what is to be considered ammunition and what is to be excluded from the definition of ammunition for the purposes of the Bill. The Bill does not include rounds that are incapable of being fired in a firearm due to the state of the round as ammunition, and as such, the collection and trade of inert, dummy and drill rounds are not subject to the Bill.

This definition also updates the definition of ammunition to be consistent with contemporary operational understandings of ammunition.

**“approval”** – Examples of an **approval** include those that may relate to an authority under a licence or permit (e.g., a Responsible or Authorised Person) or an authority of a licence or permit (e.g., approved conditions of a licence).

**“disqualifying offence”** – Provides offences under clause 5 and prescribed by the regulations are disqualifying offences. These offences are of such a serious nature that they are subject to clause 9 of the Bill, which disqualifies them from applying and holding a firearm authority for a period prescribed by the regulations.

**“disqualifying order”** – Provides orders under clause 5, and prescribed by the regulations, are disqualifying orders. These orders are of such a nature that the persons subject to them are high risk and will be subject to clause 9 of the Bill, disqualifying them for a period prescribed by the regulations.

Disqualifying offences and disqualifying orders are both retroactive, which means that a person who has committed a disqualifying offence or received a disqualifying order before commencement day will either lose their firearm authority or not be able to apply for one until the expiry of the disqualifying period, which will be dated backwards to match the date of conviction or the day the disqualifying order was received.

**“firearm authority health standards”** – Provides the minimum mental and physical health standards prescribed by the regulations as the health standards a person must meet to be fit and proper to hold a firearm authority. These standards are considered by the Commissioner within the context of the firearm authority for which the person applies.

**“handgun”** – A handgun has been defined as a firearm reasonably capable of being concealed about the person and can be aimed and fired from one hand. These firearms, due to their concealability and ease of use, are defined for the purposes of the offence provisions, which consider them as being of significant risk.

**“health professional”** – For the purposes of the Bill, the term **health professional** is taken to include health professionals registered under the *Health Practitioner Regulation National Law (Western Australia) Act 2010* in the medical profession as well as mental health professionals (e.g. counsellors, therapists). This broad term allows the Commissioner to direct applicants for, or holders of, firearm authorities to attend a range of professionals for the purposes of a health assessment. The intent is for an applicant to seek the health assessment from a general practitioner (GP) in the first place. However, if there are concerns, whether or not identified by the GP in the health assessment, the Commissioner can direct the applicant to produce evidence from a specialist.

**“prohibited accessory”** – The term **prohibited accessory** now encompasses sound suppressors. Certain firearm authorities remain capable of being approved for prohibited accessories, such as sound suppressors, should they meet appropriate licencing requirements.

**“related thing”** – Taken to include a major firearm part, ammunition and a prohibited accessory unless otherwise specified. This broad term allows for simplified language throughout the Bill.

**“supply”** – Includes the supply of a thing by sale or gift. Meaning a person is taken to supply a firearm or related thing if they supply the thing to another person in exchange for money, goods or services, or supply the thing to another person without such an exchange. **Supply** is also taken to include an offer to supply a thing by sale or gift.

The difference between ‘supplying’ a firearm or related thing and ‘giving possession’ of such thing is that the former implies an act of ceding possession of the thing by providing it to another party by sale or gift, while the latter may be authorised even if the recipient does not hold a firearm authority. A person may be allowed to give possession of a firearm to another person (who may not have a firearm authority), provided the other person remains under the immediate supervision of the person giving possession and that the person giving possession is authorised to do so under a relevant firearm authority.

## **Clause 6. Firearms**

Subclause (1) and (2) – Defines the term **firearm** and provides for the regulations to expand this definition. Introduces a new element of means of firing or propulsion to the definition of firearm to provide greater clarity to the definition of a firearm.

As a firearm under this clause must be capable of firing or propelling a projectile, a

firearm that has been rendered permanently inoperable in an approved manner cannot be taken to be a firearm under this definition as it no longer has this capability.

***“Render permanently inoperable”*** – rendering a firearm permanently inoperable means permanently altering a firearm in a manner prescribed in the regulations so that the firearm can never fire projectiles. A firearm that has been rendered permanently inoperable is not legally a firearm, since it can no longer fire a projectile. An heirloom firearm can be rendered permanently inoperable in order to possess it without a firearm authority. No storage requirements apply for firearms rendered permanently inoperable.

***“Render temporarily inoperable”*** – a firearm is rendered temporarily inoperable by means of installing a trigger lock or removing a part that would assist in the operation of the firearm such as a bolt or any means to render the firearm temporarily inoperable. A temporarily inoperable firearm is still a firearm, and a firearm authority is needed to possess and/or use it.

***“render innocuous”*** – this concept is synonymous to rendering a firearm inoperable.

Subclause (3) – Sets out what things are not considered to be firearms and provides for the regulations to expand this definition.

#### **Clause 7. Use of firearm**

Subclause (1) – Describes the circumstances in which a firearm is considered to be in use. This includes when the firearm is fired and when the firearm is in a person’s immediate possession while the firearm is loaded. Having a loaded firearm in one’s immediate possession is the step immediately and causally preceding that firearm being fired, and therefore the intent of this subclause is to encompass this concept.

Subclause (2) – Details the circumstances in which a firearm is considered to be loaded. This includes when any magazine part of the firearm or fitted to the firearm contains ammunition.

#### **Clause 8. Firearm categories**

Subclause (1) – Sets out what firearm categories the regulations must detail. These include:

- (a) category A
- (b) category B;
- (c) category C;
- (d) category D;
- (e) category E;

(f) category H.

Subclause (2) – Provides the regulations may introduce and detail firearm categories beyond those detailed in this clause. This clause is included to allow for future developments in firearms wherein existing firearm categories do not sufficiently cater for a new type of firearm and a new category needs to be created.

Subclause (3) – Outlines the category of a firearm is the category that the firearm is in under this clause.

Subclause (4) – Specifies that firearms that are not in any firearm category are taken to be prohibited firearms as prescribed by the regulations.

Subclause (5) – Provides that clause 8(4) does not prevent a firearm listed in one of the categories from being prescribed as a prohibited firearm, or all firearms within a specific category from being prescribed as a prohibited firearm.

### **Clause 9. Disqualified persons and interim disqualified persons**

Subclause (1) – Defines the term ***disqualified person***.

The Bill introduces the concept of ‘disqualified persons’, persons who have:

- 1) committed a disqualifying offence; or
- 2) are recipients of a disqualifying order; or
- 3) are members of a disqualifying organisation.

While the regulations have the power to prescribe further specific disqualifying offences, the Bill provides that all serious offences, defined in the *Criminal Investigation Act 2006* section 128(1) mainly as offences that carry an imprisonment term of or above 5 years, will be disqualifying offences. These are offences of such severity that, in the overarching interest of public safety, would prevent a person from even applying for a licence, permit or approval (firearm authority).

Disqualifying offences, disqualifying orders and membership of a disqualifying organisation are all retroactive, which means that a person who has committed a disqualifying offence or received a disqualifying order before commencement day will either lose their firearm authority or not be able to apply for one until the expiry of the disqualifying period, which will be dated backwards to match the date of conviction or the day the disqualifying order was received. The same applies for membership to a disqualifying organisation prior to commencement day.

The designation of an offence or an order as a disqualifying offence or disqualifying order is not to be taken as a decision by the Commissioner, since this designation was achieved by legislative means. Therefore, a person cannot challenge a disqualification arising from a disqualifying order or disqualifying offence to the State Administrative Tribunal. Disqualifying organisations are named in the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* Schedule 2, and therefore a person will not be able to challenge the status of an organisation as disqualifying.



However, the person maintains the right to challenge the order itself or the offence. A person may also still challenge the decision on the grounds they are not the named person. Finally, while a person cannot challenge the status of an organisation as disqualifying, they can challenge the decision of the Commissioner of Police determining the person as a member of a disqualifying organisation.

Subclause (2) – Defines the term ***interim disqualified person***.

Subclause (3) – Sets out when proceedings for an offence are considered to have ceased pending.

Subclause (4) – Provides disqualifying periods for disqualifying orders or offences may be prescribed by the regulations.

Subclause (5) – Allows the Commissioner to have regard for previous disqualifying conduct when forming an opinion about whether a person is a fit and proper person to hold a firearms authority even if the period of disqualification has ended due to the risk associated with disqualifying conduct.

#### **Clause 10. Membership of disqualifying organisation**

Subclause (1) – Defines the term ***member of a disqualifying organisation***.

Subclause (2) – Defines the term ***member*** of an organisation.

It is intended for the language of this clause, particularly for 10(2)(b), to capture persons considered ‘nominees’ and ‘associates’ of identified organisations. Informal affiliations, identifications and conduct that reasonably ties a person to a disqualifying organisation are to satisfy the definition of ‘member of a disqualifying organisation’.

If a disqualifying organisation is named under Schedule 2 of the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021*, the status of an organisation as disqualifying is not a decision by the Commissioner and therefore it cannot be challenged to the State Administrative Tribunal. However, a ruling by the Commissioner that a person is a member of a disqualifying organisation is a decision challengeable to the State Administrative Tribunal. A person may also still challenge the decision on the grounds they are not the named person.

#### **Clause 11. Finding of guilt**

Subclause (1) – Defines the term ***finding of guilt***.

Subclause (2) – Specifies a finding of guilt that has been quashed or set aside by a court is not to be taken as a ***finding of guilt*** for the purposes of the Bill.

Subclause (3) – Specifies that, for the purposes of the Bill, a finding of guilt also applies in relation to an offence if it is a spent conviction under section 3(1) of the *Spent Convictions Act 1988* or a finding of guilt under a law in any Australian jurisdiction a person is not required to disclose. This clause is included as, due to the risk of firearms, the behaviours from these offences may still speak to a person’s capacity to be fit and proper to hold a firearm authority.

## **Clause 12. Possession**

Subclause (1) – Sets out when a person is taken to be in possession of a thing.

Subclause (2) – Sets out when a person is taken to be in possession of firearm technology in addition to those set out in 12(1).

Subclause (3) – Stipulates a person is not taken to be in possession of a thing if:

(a) the person is in possession of the thing solely by reason of the person occupying or having care, control or management of a place where it is found, or by the reason of the person being in charge of a vehicle where it is found;

(b) the thing is in the lawful possession of another person at the time.

Subclause (4) – Provides a thing carried in parts by, or otherwise in the possession of, two or more persons is taken to be in the possession of all persons carrying or in possession of those things.

*Example:* A firearm has been split into two parts. Person A is carrying one part and Person B is carrying the other. Despite the firearm being in parts, both Person A and Person B are considered to be in possession of the firearm.

Subclause (5) – Provides, in the scenario where one person is supervising the use of another person using a firearm, both the person using the firearm and the person supervising the use of the firearm are taken to be in possession of the firearm.

*Example:* Person A is an authorised person for a Range Licence and is supervising Person B using a range firearm at the firearm range. Under clause 12(5), both Person A and Person B are taken to be in possession of the firearm.

## **Clause 13. Immediate possession**

Subclause (1) – Defines the term *immediate possession*.

Subclause (2) – Specifies a firearm or related things is not considered to be in a person's immediate possession when that firearm or other thing is in compliant storage. Instead, that firearm or related thing is considered to be in that person's possession as contemplated by clause 12.

## **Clause 14. Major firearm parts**

Subclause (1) – Defines the term *major firearm part* and provides for the regulations to expand this definition.

Subclause (2) – Explains a firearm authority that authorises possession of a firearm also authorises possession of the major firearm parts for the firearm authorised by that authority and does not need to obtain a separate authority to possess those major firearm parts. However, this authority does not apply to replacement or additional major firearm parts for the firearm, which are to be dealt with under clause 106 or 107

respectively.

### **Clause 15. Relevant management positions**

Subclauses (1) and (2) – Sets out when a person is considered to hold a relevant management position in a body corporate or a partnership.

The Commissioner of Police has the discretion to determine whether a position is relevant for the purposing of granting a firearm authority on a case-by-case basis. In general, however, the degree of influence and involvement that a person holding a management position has on their organisation's planned possession and use of firearms will be a key factor in determining whether the management position is 'relevant' for the purposes of a firearm authority. The intent is to avoid a senior figure in an organisation who may not be fit-and-proper to hold a firearm authority exerting undue influence on the persons who are designated to use firearms in a way that can result in the unsafe, irresponsible or illegal use of those firearms.

Subclause (3) – Provides the Commissioner has the discretion to decide what positions in a body corporate are relevant for the purposes of that body corporate holding a firearm authority.

*Example:* In a large corporation there is a significant number of positions that are considered management positions. The Commissioner may determine which of those positions are relevant to the firearm authority considering things such as what positions will have direct or indirect access to the firearms under the authority or what positions have direct or indirect influence over those with access to the firearms. Those not considered relevant to the firearm authority, may be determined by the Commissioner to not be **relevant management positions** for the purposes of clause 15.

### **Clause 16. Delegation of Commissioner's powers [1973 Act s.5A]**

Subclause (1) – Allows the Commissioner of Police to delegate any power or duty of the Commissioner under the Bill to another police officer or employee of the Department.

Subclause (2) – Restricts the Commissioner to delegating the power to make or revoke a firearm prohibition order to a police officer of or above the rank of Commander.

Subclause (3) – Requires that a delegation by the Commissioner be made in writing and signed by the Commissioner.

Subclause (4) – Specifies that a person to whom a power or duty is delegated by the Commissioner cannot in turn delegate that power or duty.

Subclause (5) – Explains a person to whom a power or duty has been delegated under this clause performs that power or duty in accordance with the terms of the delegation unless evidence to the contrary is shown.

Subclause (6) – Provides this clause does not limit the Commissioner's ability to perform a function through an officer or agent.

## **Clause 17. Exemptions [1973 Act s.8]**

Subclause (1) – Defines the term **exempt person** for the purposes of the clause.

Subclause (2) – Provides an **exempt person** as defined by clause 17(1) is exempt from the operation of Part 5 (firearm authority offences) and Part 7 (security and storage) in relation to any act or omission by the exempt person in the ordinary course of their duties in that role.

Subclause (3) – Provides clause 17(2) does not impact the operation of any provision of the Bill that confers a power or duty on a police officer.

Subclause (4) – Allows the regulations to exempt persons from Part 5 and Part 7 of the Bill and impose conditions on that exemption. Note that regulations do not have to exempt persons or groups of persons from both Parts 5 and 7. Exemptions can be granted just for one Part, or just for specific clauses in either Part. For instance, a law enforcement agency could be exempted from licensing requirements and their corresponding offences (Part 5) but not from storage requirements (Part 7).

Subclause (5) – Explains reference to an exemption in the regulations per clause 17(4) is a reference to an exemption under this clause of the Bill.

Subclause (6) and (7) – Specifies a person who is exempt from the operation of a provision of the Bill, or any other written law relating to conduct authorised by a licence, is not guilty of an offence if they act in contravention of that provision and is instead taken to be authorised by a licence for the purposes of that provision.

## **Clause 18. Antique firearms [1973 Act s.8]**

Subclause (1) – Defines the term **antique firearm** and introduces the terms **excluded firearm** and **obsolete ammunition**.

Subclause (2) – Provides a firearm authority is not required for a person to lawfully possess, acquire or supply an antique firearm. Disapplies Part 5 (firearm authority offences) to the possession, acquisition and supply of antique firearms.

Antique firearms are still considered ‘firearms’ for the purposes of the Bill. A person does not need a firearm authority to possess an antique firearm. On the other hand, if a person wishes to use the antique firearm, they will need a firearm authority to do so, and must apply for a licence or permit. As such, it is an offence to use an antique firearm without a firearm authority under clause 218 (offence of unlawful use). Storage requirements apply to the person simply possessing an antique firearm.

Subclause (3) – Disapplies clause 18(2) from prohibited and disqualified persons. This subclause means that it is unlawful for a prohibited or disqualified person to possess, acquire or supply an antique firearm despite clause 18(2).

Subclause (4) – Provides a firearm authority may still be granted to authorise the possession, acquisition or supply of an antique firearm.

Subclause (5) – Provides the Commissioner has the power to determine ammunition is not commercially available for the purposes of this clause.

Subclause (6) – Requires any determination by the Commissioner for the purposes of this clause in relation to ammunition that is not commercially available be published in the *Gazette*.

## **Part 2 — Licences**

### **Division 1 — General**

#### **Clause 19. Kinds of licence**

This clause sets out the type of licences considered by the Bill, being:

- (a) Individual Licences;
- (b) Business Licences;
- (c) Primary Producer Licences;
- (d) Collector Licences;
- (e) Club Licences;
- (f) Range Licences;
- (g) Trade Licences;
- (h) Government Entity Licences.

#### **Clause 20. Names of licences**

This clause enables the reference to a licence by a particular name throughout the Bill. This is required where a licence, such as the Individual Licence or Trade Licence, has multiple purposes for which it may be granted, and these purposes are then referred to as a licence where relevant in other clauses of the Bill.

#### **Clause 21. Requirement for genuine reason for licence and reasonable justification for firearm [1973 Act s.11A]**

Subclause (1) – Imposes a requirement that, prior to granting a licence for possession of a firearm, the Commissioner must be satisfied the licence holder has a genuine reason to obtain that licence and genuinely intends to possess the firearm for the purpose authorised by the license.

Genuine reason relates to the type of licence that a person seeks. A genuine reason can be, for example, wanting to hunt on property, or carry out a trade involving firearms. Genuine reason must be proven by providing evidence to the Commissioner of Police. An applicant for an individual licence for competition purposes, for instance, may be asked to provide evidence such as membership to a club for competition shooting, affiliation to a shooting discipline, and/or any relevant competition endorsements. A trade licensee may be asked to provide a business plan, structure, ABN etc. to prove they have a genuine reason for a trade licence.

Subclause (2) – Provides an ability to prescribe the particular matters the Commissioner must be satisfied of to deem the person having a genuine reason for a licence.

## **Clause 22. Requirement for firearm to be suitable and appropriate for authorised use**

Subclause (1) – Requires, prior to granting a licence for use of a firearm, the Commissioner must be satisfied the firearm the application applies to is suitable and appropriate for the genuine reason and circumstances for which that firearm will be authorised to be used. The Commissioner’s consideration regarding the suitability of a firearm will also include consideration of the number of firearms already on the licence for the same or similar purpose and the need for an additional firearm.

Suitability and appropriateness of a firearm (‘genuine need’) relates to the firearm that a person wishes to possess and/or use. A person must prove how that specific firearm or configuration of the firearm fulfils the intended purpose (the genuine reason). An example is a licensee for hunting purposes who wishes to obtain another firearm for hunting. The licensee must provide how that additional firearm would fulfil the hunting purposes in a way the other firearm would not, such as the need for that firearm to destroy specific vermin that others would not be able to achieve to the same extent.

Subclause (2) – Provides an ability for the regulations to provide matters the Commissioner must be satisfied when considering the suitability and appropriateness of the firearm.

## **Clause 23. Authorised persons for a licence**

Subclause (1) – Defines the term **close associate** of a licensee.

Subclause (2) – Defines the term **authorised person** for a licence.

Subclause (3) – Sets out who is eligible to be an authorised person for a licence, being the licensee and a close associate of a licensee as defined by 23(1).

Subclause (4) – Requires an authorised person to be aged 15 or over to be eligible to be an authorised person for a licence, subject to clause 158 in relation to age restrictions.

Subclause (5) – Sets out the liability of an authorised person for a licence in the course of an act or omission under the authority of the licence that would constitute an offence.

When a licence or permit is granted to a body corporate, regardless of whether the organisation is public or private, the body corporate will be the licensee. However, there needs to be a person (or multiple persons) who manage the firearm authority on behalf of the licensee, ensures all conditions are complied with and acts as a point of contact regarding that firearm authority. Authorised persons will be approved persons who will be able to conduct firearm-related activities under the authority of a licence or permit.

For instance, a body corporate applies for a business licence. The body corporate itself will be the licensee. However, under that licence, the owner of the business may apply to be the responsible person and the employees could be approved as authorised persons under that licence to conduct firearm-related activities (e.g., shooting, dealing, manufacturing, repairing, etc.).

## **Clause 24. Approved firearms trainers**

This clause allows the Commissioner to approve persons to provide firearms training.

## **Clause 25. No licence for personal protection**

This clause specifies that a firearms licence authorising possession or use of a firearm cannot be granted for the purpose of personal protection. This clause adopts a fundamental clause (cl.10) from the 2017 National Firearms Agreement.

## **Division 2 — Individual Licences**

### **Subdivision 1 — General**

#### **Clause 26. Term used: licence purpose**

This clause defines the term *licence purpose* as the meaning given by clause 28.

#### **Clause 27. Grant of Individual Licence to individual**

This clause provides that an Individual Licence may only to be granted to a natural person.

#### **Clause 28. Individual Licence for certain purposes**

Subclause (1) – Sets out for what purposes an Individual Licence may be granted, being for competition shooting, hunting, or paintball.

Subclause (2) – Sets out the name for each licence purpose for an Individual Licence.

Subclause (3) – Explains each licence purpose under an Individual Licence is considered to be a separate licence purpose of that singular licence and a reference to an Individual Licence by a particular licence purpose name includes a reference to an Individual Licence, even if there are multiple purposes under that licence.

*Example:* A person has an Individual Licence for the purposes of Competition Shooting and Hunting. That person can say that they have a Competition Shooting Licence and that will be taken to mean that they have an Individual Licence for the purpose of Competition Shooting as well as the other purposes authorised by that licence (i.e., Hunting) despite not explicitly naming those other purposes.

#### **Clause 29. Firearm to which Individual Licence applies**

Subclause (1) and (2) – Outlines that an Individual Licence applies to one or more specific firearms and requires each firearm and its purpose/s to which the licence applies is uniquely identified by the licence.

Subclause (3) – Prohibits a firearm authorised for competition shooting to be authorised for hunting purposes on a single Individual Licence and vice versa.

Subclause (4) – Requires an Individual Licence specify the category of firearms which



the licence authorises.

### **Clause 30. Limit on number of firearms under Individual Licence**

This clause restricts the number of firearms that may be held under some of the Individual Licence purposes.

Subclause (1) – Restricts the maximum combined number of firearms that an Individual Licence can apply to at any one time to 10.

Subclause (2) – Restricts the maximum number of firearms that a Competition Licence can apply to at any one time to 10 and restricts the maximum number of firearms that a Hunting Licence can apply to at any one time to 5.

Subclause (3) – Allows for the regulations to prescribe the circumstances in which the Commissioner may approve additional firearms beyond the maximum limit of 10 for a Competition Licence. Meeting these circumstance does not guarantee the granting of additional firearms and remains subject to genuine need, genuine reason and Commissioner approval.

Subclause (4) – Specifies there are no numerical limitations to the prescribed paintball guns a Paintball Licence can apply to.

*Example:* Despite the maximum number of firearms a Competition Licence can apply to at any one time being 10, and the maximum number a Hunting Licence can apply to at any one time is 5, the maximum combined number cannot exceed 10 firearms. If a person holds, for instance, 6 firearms for competition purposes under their Individual Licence, the maximum number of firearms for hunting purposes they can apply for is 4 (despite the maximum number of hunting firearms being 5), as the overall limit cannot exceed 10 firearms.

### **Clause 31. Firearm use by supervised young person under Individual Licence**

This clause allows an Individual Licensee that has held an Individual Licence continuously for at least five years authorises the use of the firearm authorised by that licence by a young person under the immediate supervision of the licensee.

The requirement of immediate supervision intends for the authorised person supervising the young person in immediate possession of the firearm to also be considered in immediate possession of that firearm. As per clause 13, this means the authorised person immediately supervising the young person must be in close physical proximity of the young person and the firearm, and capable of exercising custody or control of the firearm.

*Example:* Person A holds an Individual Licence. They held an Individual Licence for 3 years, was disqualified for a period, applied for another licence and has now held the licence for 2 years. This means they have held an Individual Licence for 5 years *cumulatively*, not *continuously*. This means Person A is *not* eligible to supervise a young person until they have held the Individual Licence for another 3 years without a break in between.

### **Clause 32. Minimum activity requirements for Individual Licence**

This clause provides for the regulations to impose minimum activity requirements on an Individual Licence, requiring the licensee to attend or participate in relevant events, competitions or other activities, in a specified period. Prescribed minimum activity requirements are conditions of the relevant Individual Licence. This means failure to adhere to minimum activity requirements is to be taken as failure to comply with the conditions of a firearm authority under clause 188.

### **Subdivision 2 — Competition Licence**

#### **Clause 33. Authority conferred by Competition Licence**

This clause specifies the firearm activities authorised by a Competition Licence, being the use of a licensed firearm for participation in shooting competitions at licensed firearm ranges arranged by licensed firearm clubs.

#### **Clause 34. Requirement for membership of licensed firearm club**

This clause requires the Commissioner be satisfied that each Competition Licensee is a member of a licensed firearm club prior to granting the licence.

#### **Clause 35. Firearms to which Competition Licence can apply**

This clause specifies only Category A, B, C, or H firearms may apply to a Competition Licence.

### **Subdivision 3 — Hunting Licence**

#### **Clause 36. Authority conferred by Hunting Licence**

This clause provides a Hunting Licence authorise the licensee to use a firearm for the lawful hunting of animals on land for which the licensee has an approval to hunt. The clause does not, of itself, create any right to hunt animals. The licensee must have an existing right to hunt under other legislation.

#### **Clause 37. Requirement for approval of land for hunting**

This clause requires the Commissioner must not grant a Hunting Licence unless satisfied there is land on which the licensee has approval to hunt using the firearm under the licence. The applicant must therefore have a written authority (also known as a property letter) to shoot on that land when applying for a Hunting Licence.

#### **Clause 38. Approval of land for hunting**

This clause requires the Commissioner to only approve land for hunting by a person using a firearm under a Hunting Licence if the applicant has shooting permission for the land in the State, the person has permission under clause 39, and the land is suitable for hunting using a firearm under clause 40.

### **Clause 39. Hunting permission for land**

Subclause (1) – Defines *authorised person for land*. The term encompasses persons who are legally entitled to occupying the land, including owners of the land, lessees of the land, those who have permission to occupy the land and other circumstances prescribed by the regulations.

Subclause (2) – Provides authorised persons for land may provide hunting permission by notice in writing in the approved form.

Subclause (3) – Provides authorised persons for land are taken to have hunting permission to engage in hunting on the land. This hunting permission remains subject to Hunting Licence requirements.

Subclause (4) – Provides authorised persons for land may, at any time, revoke hunting permission by notice in writing.

Subclause (5) – Provides the regulations may make provisions in relation to hunting permissions.

Subclause (6) – Makes it an offence to charge a fee in exchange for granting hunting permission for their property for the purposes of this clause, with a penalty of a fine of \$5,000.

Subclause (7) – Makes it an offence for a person to falsely represent themselves as an authorised person and provide invalid land permission for hunting for the purposes of this clause, with a penalty of 12 months' imprisonment and a fine of \$12,000.

### **Clause 40. Suitability of land for hunting using a firearm**

This clause requires the Commissioner to only approve land for hunting using a firearm under a Hunting Licence if satisfied the land is suitable for that purpose. In determining the suitability of land for shooting, the Commissioner must consider:

- (a) the size and location of the land;
- (b) the nature of the shooting likely to take place on the land and the suitability of the firearm for that shooting;
- (c) the capabilities of the firearm;
- (d) the number of hunting permissions in force on the land at a particular time; and
- (e) other matters the Commissioner thinks relevant.

### **Clause 41. Firearms permitted for Hunting Licence**

This clause specifies only Category A or B firearms may apply to a Hunting Licence.

### **Subdivision 5 — Paintball Licence**

## **Clause 42. Authority conferred by Paintball Licence**

This clause specifies the authority of a Paintball Licence to use a prescribed paintball gun to participate in a paintball game under the authority of a Paintball Business Licence. A prescribed paintball gun under a Paintball Licence can only be used with prescribed paintball pellets.

## **Division 3 — Business Licences**

### **Subdivision 1 — General**

#### **Clause 43. Terms used**

This clause defines certain terms used for the purposes of this Division.

#### **Clause 44. Kinds of Business Licence**

This clause sets out for what purposes a Business Licence may be granted, being security agents, firearms training, theatrical businesses, paintball businesses, professional shooting and prescribed businesses.

#### **Clause 45. Grant of Business Licence [1973 Act s.16D(1)]**

The clause sets out to whom a Business Licence may be granted, being an individual, a body corporate or a partnership.

#### **Clause 46. Standard authority conferred by Business Licence [1973 Act 16D(2)-(5)]**

This clause specifies the firearm activities authorised by all Business Licences and the circumstances in which that authority is applicable, including:

- (a) possess a business firearm for the purpose of the firearm being used as authorised by the licence;
- (b) use a business firearm in the course of an activity that is engaged in by the authorised person in the course of the operation of the business for which the licence is granted.

#### **Clause 47. Firearms to which Business Licence applies**

This clause specifies only firearms uniquely identified to the relevant Business Licence apply to, and are authorised by, the licence.

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

#### **Clause 48. Security Agent Business Licence**

Subclause (1) – Defines the term **security agent business** for the purposes of this clause.

Subclause (2) – Provides a Security Agent Business Licence can be granted to a security agent business as defined by 48(1).

Subclause (3) – Stipulates a Security Agent Business Licence only authorises the use of a firearm under the licence if the person is authorised to possess a firearm by a security officer’s licence endorsed under section 24, or a permit under section 25, of the *Security and Related Activities (Control) Act 1996*.

Subclause (4) – Specifies only Category H firearms may apply to a Security Agent Business Licence.

#### **Clause 49. Firearms Training Business Licence**

Subclause (1) – Defines the term ***firearms training business*** for the purposes of this clause.

Subclause (2) – Provides a Firearm Training Business Licence can be granted to a firearms training business as defined by 49(1).

Subclause (3) – Provides a Firearms Training Business Licence authorises the use of a business firearm at a licensed range when undergoing firearms training provided by, and under the immediate supervision of, an authorised person for the licence in the course of the business for which the licence is granted. This authority is in addition to the standard authority provided to a Business Licence per clause 46.

Subclause (4) – Specifies only Category A, B, C, E, or H firearms may apply to a Firearms Training Business Licence.

#### **Clause 50. Theatrical Firearm Business Licence**

Subclause (1) – Defines the terms ***theatrical firearm business*** and ***theatrical performance*** for the purposes of this clause.

Subclause (2) – Provides a Theatrical Firearm Business Licence can be granted to a theatrical firearm business as defined by 50(1).

Subclause (3) – Sets out the authority conferred by a Theatrical Firearm Business Licence and the circumstances in which that authority applies. The subclause emphasises the possession and use of business firearms by actors or other persons involved in a theatrical performance is to be under the immediate supervision of an authorised person for the licence at all times. This authority is in addition to the standard authority provided to a Business Licence per clause 46.

The requirement of immediate supervision is intended to mean the authorised person supervising the unauthorised person in immediate possession of the firearm is also taken to be in possession of that firearm. This means the authorised person must be close enough to be capable of exercising custody or control of the thing.

Subclause (4) – Specifies a Theatrical Firearm Business Licence does not authorise the use of firearms with live ammunition unless otherwise approved in a particular case upon request to the Commissioner. This does still authorise the use of blank ammunition to be authorised under a Theatrical Firearm Business Licence.

Subclause (5) – Specifies only Category A, B, C, E, or H firearms may apply to a Theatrical Firearm Business Licence.

### **Clause 51. Paintball Business Licence**

Subclause (1) – Defines the term ***paintball business*** for the purposes of this clause.

Subclause (2) – Provides a Paintball Business Licence can be granted to a paintball business as defined by 51(1).

Subclause (3) – A Paintball Business Licence authorises the use of a business firearm for the purpose of participation in a paintball game in the course of business for which the licence is granted under the supervision of an authorised person for the licence. This authority is in addition to the standard authority provided to a Business Licence per clause 46.

Subclause (4) – Restricts the authority of a Paintball Business Licence to prescribed paintball guns.

Subclause (5) – Specifies only prescribed paintball guns may be authorised by a Paintball Business Licence. Requires the use of prescribed paintball pellets.

### **Clause 52. Professional Shooter Business Licence**

Subclause (1) – Defines the term ***professional shooter business*** for the purposes of this clause.

Subclause (2) – Provides a Professional Shooter Business Licence can be granted to a professional shooter business as defined by 52(1).

Subclause (3) – Specifies only Category A, B, C, or E firearms may apply to a Professional Shooter Business Licence.

### **Clause 53. Prescribed Business Licence**

Subclause (1) – Defines the term ***prescribed business*** for the purposes of this clause. Provides the regulations may make provisions prescribing what is taken to be a prescribed business.

Subclause (2) – Provides a Prescribed Business Licence can be granted to a prescribed business as defined by 53(1).

Subclause (3) – Provides a Prescribed Business Licence authorises the standard Business Licence authorities per clause 46. Allows the regulations to make provisions prescribing additional authorities of Prescribed Business Licences.

Subclause (4) – Provides for the regulations to limit or disapply any authority conferred by the standard Business Licence authority per clause 46.

## **Division 4 — Primary Producer Licences**

### **Clause 54. Terms used**

This clause defines certain terms used for the purposes of this Division.

### **Clause 55. Approval of family members**

This clause provides the Commissioner may approve a family member of a Primary Producer Licensee as an approved family member for the licence, subject to clause 59.

### **Clause 56. Grant of Primary Producer Licence**

This clause provides a Primary Producer Licence can be granted to an individual, a body corporate or partnership. Specifies the person to whom a Primary Producer Licence is granted must be engaged in primary production activities. In most circumstances, primary production activities are to be taken to mean those defined in s.995(1) of the *Income Tax Assessment Act 1997* (Cth).

### **Clause 57. Primary Producer Licence to be granted for landholding**

Subclause (1) and (2) – Requires a Primary Producer Licence specify the landholdings to which the licence applies and the landholding be the place where the licensee conducts primary production activities.

Subclause (3) – Places a restriction on granting a Primary Producer Licence on a landholding for which another Primary Producer Licence is in force.

### **Clause 58. Firearms to which Primary Producer Licence applies**

Subclause (1) – Specifies only firearms uniquely identified to the relevant Primary Producer Licence apply to, and are authorised by, the licence.

Subclause (2) – Specifies only Category A, B, C, E, or H firearms may apply to a Primary Producer Licence.

Subclause (3) – Restricts the maximum number of firearms a Primary Producer Licence can apply to at any one time to 10.

Subclause (4) – Provides a Category E firearm authorised by a Primary Producer Licence is not taken to count towards the total number of firearms to which the licence applies per 58(3).

*Example:* Person A has a Primary Producer Licence. Under their licence they are authorised for 4 Category A firearms, 3 Category B firearms, 2 Category C firearms and 2 Category E firearms. Per clause 58(4), the Category E firearms do not count towards the total number of firearms and Person A is taken for the purposes of 58(3) to hold 9 firearms in total. This is despite, with the addition of the Category E firearms, they may exceed the total of 10 firearms prescribed by 58(3).

### **Clause 59. Licensee and approved family members are authorised persons for Primary Producer Licence**

This clause provides an approved family member for a Primary Producer Licence, as defined in clause 55, is to be taken to be an authorised person for the licence. The licensee and any other authorised person under clause 23 are also taken to be

authorised persons for the licence.

**Clause 60. Authority conferred by Primary Producer Licence [1973 Act s.8(i)-(iii)]**

This clause specifies the firearm activities authorised by a Primary Producer Licence for licensees include:

- (a) possess a firearm to which the licence applies for the purpose of the firearm being used as authorised by the licence;
- (b) use a firearm to which the licence applies for the purposes of the primary production activities of the licensee on a landholding for which the licence is granted and for those purposes on any other landholding of the licensee; and
- (c) use a firearm to which the licence applies with the permission of the licensee for the purposes of the primary production activities of another person with the permission of that other person.

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

Subclause (1) – Provides a person who holds a Primary Producer Licence is also taken to hold a Hunting Licence that applies to the authorised firearms under the Primary Producer Licence. Note that this applies only to the licence holder if the licence holder is a natural person (e.g., not a business, partnership or trust), not to authorised persons under the licence.

Should a Primary Producer Licence holder wish to exercise their authority under a Hunting Licence on a property that is not authorised under their licence, they will still be subject to the requirements and conditions of a Hunting Licence under Part 2, Subdivision 3.

Subclause (2) – Excludes any firearm of Category C or H under a Primary Production Licence from being used for hunting purposes, however, does allow the use of Category C or H as authorised by clause 110 and 111, being for sighting in purposes on approved properties or at licensed ranges.

Subclause (3) – Excludes Primary Producer Licences from the operation of clause 30 in relation to firearm number limits for Hunting Licences.

*Example:* A person has a Primary Producer Licence with a firearm numerical limit of 10 as per clause 58. That person has 10 Primary Producer firearms, all of which are also designated for Hunting (apart from Category C or H). This exceeds the numerical limit of 5 firearms for Hunting Licences as per clause 28, however, as a Primary Producer Licence that limit does not apply.

Subclause (4) – Restricts Primary Producer Licence holders from being granted a separate Hunting Licence. This restriction is implemented as a Primary Producer Licence holder is taken to hold these licences already as per clause 61(1).

Subclause (5) – Confirms an individual who holds a Primary Producer Licence may



still be granted a Competition Licence or Paintball Licence.

## **Clause 62. Authority conferred on child of licensee by Primary Producer Licence**

Subclause (1) – Defines the term **child** of a licensee for the purposes of the clause.

Subclause (2) – Sets out the authority conferred on a child of a licensee by a Primary Producer Licence and the circumstances in which that authority applies. The possession and use of Primary Producer firearms by young persons who are a child of a licensee is to be always under the immediate supervision of an authorised person for the licence. The authority conferred on a child of a licensee by a Primary Producer Licence is limited to the landholdings on which the licensee conducts their own primary production activities.

The requirement of immediate supervision is intended to mean that the authorised person supervising the young person in immediate possession of the firearm is also taken to be in immediate possession of that firearm. As per clause 13, this means the authorised person immediately supervising the young person must be in close physical proximity of the young person and the firearm, and capable of exercising custody or control of the thing.

Subclause (3) – Prohibits a young person from using Category C or Category H firearms under a Primary Producer Licence.

Subclause (4) – Provides this clause does not limit the authority conferred on a young person who is an authorised person for a Primary Producer Licence. This is where the young person is 15-years-old or above.

## **Division 5 — Collector Licences**

### **Subdivision 1 — General**

#### **Clause 63. Term used: approved society of collectors**

This clause defines the term **approved society of collectors** used for the purposes of this Division.

#### **Clause 64. Grant of Collector Licence to natural person [1973 Act s.11A(2), (4)]**

This clause provides a Collector Licence may only be granted to an individual.

#### **Clause 65. Purposes of Collector Licence [1973 Act s.16C]**

Subclause (1) – Sets out for what purposes a Collector Licence may be granted, being for the collection of firearms and the collection of ammunition.

Subclause (2) – Sets out the name for Collector Licences with each licence purpose.

Subclause (3) – Explains that each licence purpose under a Collector Licence is a separate licence purpose of that singular licence and a reference to a Collector Licence by a particular licence purpose name includes a reference to a Collector

Licence, even if there are two purposes under that licence.

*Example:* A person has a Collector Licence for the purposes of collecting firearms and ammunition. That person can say that they have a Collector Licence for firearms and that will be taken to mean that they have a Collector Licence for the purpose of collecting firearms as well as the other purpose authorised by that licence (i.e., collecting ammunition) despite not explicitly naming that other purpose.

**Clause 66. Authority conferred by Collector Licence for firearms [1973 Act s.16L]**

Subclause (1) – Provides a Collector Licence for firearms authorises the licensee to possess a firearm specified by the licence for the purpose of that firearm forming part of a firearm collection of the licensee.

Subclause (2) – Stipulates a single firearm may be taken to be a firearm collection.

Subclause (3) – Specifies only firearms uniquely identified to the relevant Collector Licence for firearms apply to, and are authorised by, the licence.

Subclause (4) – Provides the regulations may make provisions restricting the types of firearms that may be subject to a Collector Licence for firearms.

Subclause (5) – Restricts a Collector Licence for firearms from using a firearm to which the licence applies.

Subclause (6) – Provides a Collector Licence for firearms may apply to a major firearm part to authorise the licensee to possess the major firearm part specified by the licence for the purpose of that major firearm part forming part of a firearm collection of the licensee as if it were a firearm.

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

Subclause (1) – Provides a Collector Licence for ammunition authorises the licensee to possess the ammunition specified by the licence for the purpose of that ammunition forming part of an ammunition collection of the licensee.

Subclause (2) – Stipulates a Collector Licence for ammunition only applies to the ammunition specified by the licence and in accordance with the terms of the licence.

Subclause (3) – Provides the regulations may make provisions restricting the types of ammunition that may be subject to a Collector Licence for ammunition.

Subclause (4) – Restricts a Collector Licence for ammunition from using ammunition to which the licence applies.

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

This clause specifies the genuine reasons a person must satisfy to collect firearms and/or ammunition under a Collector Licence. A firearm or ammunition for collection must satisfy significant:

- (a) commemorative value in relation to a particular historical event;
- (b) historical value in relation to a particular historical period; or
- (c) thematic value in relation to the development, manufacture or use of firearms.

Subclause (3) – Provides for the regulations to specify the matters the Commissioner must consider when deciding a firearm or ammunition meets the above requirements.

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

### **Clause 69. Additional requirements for Collector Licence for handgun manufactured after 1946**

Subclause (1) – Sets out to whom a Collector Licence may be granted in relation to a handgun manufactured after 1946. A collector of post-1946 handguns must satisfy the following:

- (a) the licensee is a student of arms;
- (b) the handgun is within the scope of the licensee’s interest as a student of arms;  
and
- (c) the licensee is a member of an approved member of firearm collectors.

Subclause (2) – Defines the term ***student of arms*** for the purpose of this clause. Highlights the need for a *prolonged* and *genuine* interest in the study, preservation or collection of firearms. This may be demonstrated through previous prolonged and genuine engagement with an approved, or otherwise recognised, society of firearm collectors prior to application.

### **Clause 70. Approval of society of firearm collectors [1973 Act s.15A]**

Subclause (1) – Provides an approval for an approved society of firearm collectors may only granted to a body corporate and can only be granted if the Commissioner is satisfied the body will facilitate the study, preservation and/or collection of firearms.

Subclause (2) – Provides the regulations may make provisions in relation to the requirements attached to an approval of society of firearm collectors.

### **Clause 71. Consideration of information provided by approved society**

This clause allows the Commissioner to consider information provided by an approved society of firearm collectors when considering the fit and proper status of a person applying for a Collector Licence. This clause applies whether or not the information was provided under clause 376 in relation to the information provided by an approved society of firearms collector.

## **Division 6 — Club Licences**

### **Clause 72. Term used: club firearm**

This clause defines term **club firearm** used for the purposes of this Division.

### **Clause 73. Grant of Club Licence to body corporate**

This clause provides a Club Licence can only be granted to a body corporate and cannot be granted unless the Commissioner is satisfied the licensee will operate as a club with a primary purpose the making of arrangements for participation by its members in competition shooting or target shooting using firearms.

### **Clause 74. Authority conferred by Club Licence**

Subclause (1) – Sets out the activities authorised under a Club Licence, including:

- (a) the licensee is authorised to possess a club firearm for the purpose of the firearm being used as authorised by the licence;
- (b) an authorised person for the licence is authorised to use a club firearm at a licensed firearm range for the purposes of competition shooting, target shooting or firearms training at the licensed firearm range;
- (c) any person (other than a disqualified person or prohibited person) is authorised to use a club firearm at a licensed firearm range for the purposes of competition shooting, target shooting or firearms training at the licensed firearm range under the immediate supervision of an authorised person for the licence.

Clause 74(1)(c) is subject to clause 158(4) in relation to the minimum age of possession and use of a firearm.

Subclause (2) – Provides the use of a club firearm for firearms training purposes is only authorised to authorised persons for the Club Licence who are also approved firearms trainers.

### **Clause 75. Firearms to which Club Licence applies**

Subclause (1) – Specifies only firearms uniquely identified to the relevant Club Licence apply to, and are authorised by, the licence.

Subclause (2) – Specifies only Category A, B, C, or H firearms may apply to a Club Licence.

Subclause (3) – Provides a Club Licence does not need to apply to any firearm to be granted. This allows for firearm clubs that do not have firearms to facilitate and organise authorised firearm activities in which other firearm authority holders may participate.

### **Clause 76. Authority for manufacture and sale of ammunition**

This clause authorises an authorised person under a Club Licence to manufacture ammunition and supply that ammunition for the purposes of shooting in Club Licensed firearms under the authority of the Club Licence, being at a licensed range.

For the purposes of the Bill in the context of ammunition, the term ‘manufacture’ is

taken to mean the act of taking ammunition components and manufacturing them into ammunition. This includes, where suitable, spent (i.e., used) casings being repurposed into ammunition, commonly known in the firearm industry as 'reloading ammunition' (not to be confused with reloading the firearm itself, which involves placing the ammunition into the firearm).

#### **Clause 77. Membership of licensed firearm club**

This clause provides the regulations may make provisions specifying the requirements for membership of a firearm club and the circumstances in which a firearms club must suspend or cancel a membership.

This clause intends for the regulations to provide the minimum requirements for membership of a firearm club and the circumstances in which a firearms club must suspend or cancel a membership and does not prevent a firearm club from setting additional requirements or circumstances for membership, suspension or cancellation as each club sees fit.

### **Division 7 — Range Licences**

#### **Clause 78. Terms used**

This clause defines certain terms used for the purposes of this Part.

#### **Clause 79. Grant of Range Licence to individual, body corporate or partnership**

This clause provides a Range Licence can be granted to an individual, a body corporate or partnership and cannot be granted unless the Commissioner is satisfied the licensee will operate the firearm range.

#### **Clause 80. Authority conferred by Range Licence**

Subclause (1) – Specifies only the range specified in the relevant Range Licence applies to, and is authorised by, the licence as the licensed firearm range.

Subclause (2) – Sets out the activities authorised under a Range Licence, including:

- (a) the licensee is authorised to possess a range firearm for the purpose of the firearm being used as authorised by the licence;
- (b) an authorised person for the licence is authorised to use a range firearm at the licensed firearm range for the purposes of competition shooting, target shooting or firearms training;
- (c) any person (other than a disqualified person or prohibited person) is authorised to use a range firearm at the licensed firearm range for the purposes of competition shooting, target shooting or firearms training under the immediate supervision of an authorised person for the licence.

Clause 80(2)(c) is subject to clause 158(4) in relation to the minimum age of possession and use of a firearm.

Subclause (3) – Provides the use of a range firearm for firearms training purposes is limited to authorised persons for the Range Licence who are also approved firearms trainers.

**Clause 81. Authority under another licence for use of firearm at licensed range**

Subclause (1) – Requires that any use at a licensed range of a firearm under a firearm authority other than a Range Licence is only allowed with the permission of an authorised person for the relevant Range Licence.

Subclause (2) – Provides the conditions of a Range Licence can relate to range permissions such as requirements where a permission must not be given and for the keeping of records of range permission.

**Clause 82. Authority for manufacture and sale of ammunition**

This clause authorises an authorised person under a Range Licence to manufacture ammunition and supply that ammunition for the purposes of shooting in Range Licensed firearms under the authority of the Range Licence, being at a licensed range.

For the purposes of the Bill in the context of ammunition, the term ‘manufacture’ is taken to mean the act of taking ammunition components and manufacturing them into ammunition. This includes, where suitable, spent (i.e., used) casings being repurposed into ammunition, commonly known in the firearm industry as ‘reloading ammunition’ (not to be confused with reloading the firearm itself which involves placing the ammunition into the firearm).

**Clause 83. Suitability of range for Range Licence**

This clause sets out the requirements a firearm range must satisfy, including:

- (a) the location of the firearm range is a suitable location for a licensed firearm range; and
- (b) the firearm range meets standards of construction determined by the Commissioner as necessary for the safe operation of a licensed firearm range at that location; and
- (c) use of the land for the purposes of a licensed firearm range is a lawful use of the land.

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

Subclause (1) – Allows a Range Licence to authorise a shooting gallery.

Subclause (2) – Sets out the restrictions to which a shooting gallery is subject, including:

- (a) being taken as a licensed firearm range only when operated in accordance with the regulations and at locations, or locations of a kind, specified in the licence;

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

### **Clause 85. Firearms to which Range Licence applies**

Subclause (1) – Specifies only firearms uniquely identified to the relevant Range Licence apply to, and are authorised by, the licence.

Subclauses (2) – Specifies only Category A, B, C, or H firearms may apply to a Range Licence.

Subclause (3) – Specifies only Category A firearms may apply to a shooting gallery under a Range Licence.

Subclause (4) – Provides a Range Licence does not need to apply to any firearm to be granted. This allows for firearm ranges that do not house firearms themselves to provide a venue for other firearm authority holders to participate in authorised firearm activities.

## **Division 8 — Trade Licences**

### **Subdivision 1 — General**

#### **Clause 86. Term used: trade purpose**

This clause defines the term *trade purpose* used for the purposes of this Division as the meaning given in clause 88(1).

#### **Clause 87. Grant of Trade Licence**

This clause provides a Trade Licence can be granted to an individual, a body corporate or partnership.

#### **Clause 88. Purposes of Trade Licence**

Subclause (1) – Sets out for what purposes a Trade Licence may be granted, being for firearm dealing, manufacture, repair, and storage.

Subclause (2) – Sets out the name for Trade Licences with each licence purpose.

Subclause (3) – Explains that each licence purpose under a Trade Licence is a separate licence purpose of that singular licence and a reference to a Trade Licence by a particular licence purpose name includes a reference to a Trade Licence, even if there are multiple purposes under that licence.

*Example:* A licensee has a Trade Licence for the purposes of dealing, manufacture and repair. Any reference to a Firearm Dealer Licence will be taken to mean that they have a Trade Licence for the purpose of dealing as well as the other purposes authorised by that licence (i.e., manufacture and repair) despite not explicitly naming those other purposes.

### **Clause 89. Things to which Trade Licence applies**

Subclause (1) – Specifies all Trade Licences apply to firearms, major firearm parts and ammunition. Stipulates that a Trade Licence may apply to prohibited accessories as approved for the specific licence per clause 98.

Subclause (2) – Provides the regulations, or conditions of a Trade Licence, can limit the authority of a Trade Licence.

Subclause (3) – Specifies only the things uniquely identified to the relevant Trade Licence apply to, and are authorised by, the licence for possession for the purposes of any activity authorised by the licence for those things.

*Example:* Person A has a Repair Licence, and is not authorised for prohibited accessories. Therefore, Person A is authorised to possess firearms, major firearm parts and ammunition for the purposes of any activity authorised under their Repair Licence per clause 95 and any conditions, limitations and approvals attached to that licence made by the Commissioner.

### **Clause 90. Licence must be for genuine business**

Subclause (1) – Requires a Trade Licence only be granted if the Commissioner is satisfied the licensee genuinely intends to carry out a business for which the licence is required.

Subclause (2) – Provides the regulations can require a Trade Licence to satisfy a minimum level of business activity.

Subclauses (3) and (4) – Set out what the Commissioner may consider when deciding whether a Trade Licensee is likely to satisfy a minimum level of business activity.

Subclause (5) – Provides the regulations can prescribe the minimum level of business activity required for a Trade Licence.

### **Clause 91. Authority of Trade Licence limited to single location**

Subclauses (1) and (2) – Specify a single Trade Licence applies only to, and authorises activities at, a single Trade business location.

Subclause (3) – Provides a single person may hold more than one Trade Licence for the same purpose in relation to different locations.

*Example:* A licensee has two Trade Licences for dealing. One Firearm Dealer Licence applies to Location A. The other Firearm Dealer Licence applies to Location B. Both are Trade Licences with the same purpose, however, they apply to different locations.

### **Clause 92. Authority of Trade Licence extends to authorised person for licence**

This clause provides an authorised person for a Trade Licence also holds any authorities held by the Trade Licence licensee. These authorities may still be subject



to any conditions and limitations placed by the Commissioner.

**Clause 93. Supervision and management of Trade Licence business [1973 Act s.21A(1)-(2)]**

Subclause (1) – Stipulates it is a condition of a Trade Licence that conduct of a Trade Licence business must be personally supervised and always managed by a supervisor who is the licensee, the responsible person for the licence, or an authorised person for the licence. This means failure to adhere to supervision and management requirements is to be taken as failure to comply with the conditions of a firearm authority under clause 188.

Subclause (2) – Requires a business supervisor to provide direction and exercise supervision regarding the conduct of business under the licence to ensure an offence is not committed.

Subclause (3) – Provides the business supervisor at the time of an offence is also taken to have committed the offence.

**Subdivision 2 — Trade Licences**

**Clause 94. Firearm Dealer Licence [1973 Act s.16E]**

Subclause (1) – Provides a Firearm Dealer Licence authorises the dealing of a thing to which the licence applies in the course of the licensee’s business.

Subclause (2) – Authorises a Firearm Dealer Licence to do the following, as approved for the licence in the course of the licensee’s business:

- (a) use a thing to which the licence applies for the purpose of testing or demonstration;
- (b) dismantle a thing to which the licence applies for parts and deal in those parts;
- (c) accept possession of a thing to which the licence applies for the purpose of its delivery to the licensee under another Trade Licence.

**Clause 95. Firearm Repair Licence [1973 Act s.16G]**

Subclause (1) – Provides a Firearm Repair Licence authorises the repair of a thing to which the licence applies in the course of the licensee’s business.

To ‘repair’ a firearm is to take an unsafe, unserviceable, inoperable, damaged, faulty or worn-out firearm and restore it to safe and serviceable conditions. This includes replacing parts (including major firearm parts) of the firearm.

**“Unsafe firearm”** – an unsafe firearm poses a safety risk, such as a live ammunition stuck in the chamber. An unsafe firearm should be handled with caution and any potential repair can only be carried out by a trade licensee with the authority to repair unsafe firearms.

**“Unserviceable firearm”** – an unserviceable firearm does not pose a safety risk but

needs either repair or the replacement of one of its parts in order to function. Significant wear and tear to the barrel of the firearm would mean the firearm is unserviceable.

Subclause (2) – Authorises a Firearm Repair Licence to do the following, as approved for the licence in the course of the licensee’s business:

- (a) possess ammunition for a firearm to which the licence applies;
- (b) use a thing to which the licence applies for the purposes of testing;
- (c) dismantle a thing to which the licence applies for parts and use those parts for the purposes of the repair under the authority of the licence of things to which the licence applies;
- (d) make an approved alteration to a thing to which the licence applies;
- (e) carry out maintenance of a thing to which the licence applies.

#### **Clause 96. Firearm Manufacture Licence [1973 Act s.16H]**

Subclause (1) – Provides a Firearm Manufacture Licence authorises the manufacture of a thing to which the licence applies in the course of the licensee’s business.

The manufacturing of firearms is taken to mean the ordinary interpretation of the word, that is, building, constructing, assembling, fabricating and forging a firearm and major firearm parts.

Subclause (2) – Authorises a Firearm Manufacture Licence to do the following, as approved for the licence in the course of the licensee’s business:

- (a) supply a thing to which the licence applies that is manufactured under the authority of the licence;
- (b) dismantle a thing to which the licence applies for parts and use those parts for the purposes of the manufacture under the authority of the licence of things to which the licence applies;
- (c) use a thing to which the licence applies for the purposes of testing or demonstration.

#### **Clause 97. Firearm Storage Licence**

This clause authorises a Firearm Storage Licence possess a thing to which the licence applies, for storage as approved for the licence in the course of the licensee’s business.

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

**Clause 98. Approval to apply Trade Licence to prohibited accessories [1973 Act s16I]**

Subclause (1) and (2) – Give the Commissioner the ability to approve a Trade Licence to apply to prohibited accessories, either specifically or generally.

Subclause (3) – Provide the regulations may limit the authority or impose requirements on a Trade Licensee in connection with the prohibited accessory approval. It is intended that a Trade Licensee seeking an approval to apply their licence to prohibited accessories has an established relationship with a Government Entity end user to whom they will supply prior to receiving approval.

**Clause 99. Approval to extend certain Trade Licences to firearm technology [1973 Act s.16J]**

Subclause (1) – Provides the Commissioner the ability to approve a Firearm Repair Licence or Firearm Manufacture Licence to apply to firearm technology.

Subclause (2) and (3) – Sets out an approval under this clause for the creation and development of firearm technology authorises the:

- (a) creation, development and possession of firearm technology for the purposes for which the licence applies; and
- (b) dissemination of firearm technology to any authorised person for the licence things for the purposes for which the licence applies.

**Clause 100. Approval for creation of firearm technology for repairer or manufacturer [1973 Act s.16J]**

Subclause (1) – Provides the Commissioner the ability to approve certain persons under a Firearm Repair Licence or Firearm Manufacture Licence to apply to firearm technology.

Subclause (2) – Sets out an approval under this clause for the creation and development of firearm technology authorises the:

- (a) creation and development of firearm technology on behalf of the licensee; and
- (b) possession of firearm technology so created or developed; and
- (c) dissemination of firearm technology so created or developed to the licensee.

**Division 9 — Government Entity Licences**

**Clause 101. Terms used: Government entity**

This clause defines **Government entity** for the purposes of this Division.

**Clause 102. Grant of Government Entity Licence [1973 Act s.16D]**

This clause provides a Government Entity Licence may only be granted to a

government entity as defined by clause 101.

**Clause 103. Authority conferred by Government Entity Licence [1973 Act s.16D(2)-(5)]**

Subclause (1) – Specifies the firearm activities authorised by a Government Entity Licence and the circumstances in which that authority is applicable, including:

- (a) the licensee is authorised to possess a firearm to which the licence applies for the purpose of the firearm being used as authorised by the licence;
- (b) an authorised person for the licence is authorised to use a firearm to which the licence applies in the performance of the person’s duties as an employee of, or contractor to, the Government entity for any purpose prescribed by the regulations in respect of the Government entity.

Subclause (2) – Provides only employees, agents of, or contractors to, a holder of a Government Entity Licensee may be granted an approval as an authorised person for the licence.

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

This clause specifies only firearms uniquely identified to the relevant Government Entity Licence apply to, and are authorised by, the licence.

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

This clause specifies only Category A, B, C, D, E, or H firearms may apply to a Government Entity Licence.

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

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

Subclause (1) – Provides the Commissioner can approve a major firearm part to replace an existing part for a licensed firearm.

Subclause (2) – Provides the Commissioner can make relevant amendments to a firearm licence to account for a replacement major firearm part.

Subclause (3) – Provides the Commissioner cannot approve a replacement major firearm part if the licence could not have been initially granted to the licensed firearm with the replacement part fitted to it.

Subclause (4) – Sets out the process for replacing a major firearm part for a licensed firearm.

*Example:* A licensee’s major firearm part that has become unserviceable or unsafe (e.g., due to wear and tear). The licensee can request approval from the Commissioner for a replacement major firearm part with the genuine reason being that the old major firearm part is unserviceable or unsafe. The old major firearm part will be disposed of in approved manner.

Subclause (5) – Provides a major firearm part surrendered to the Commissioner as required by this clause is to be dealt with per clause 366 as if seized under the Bill.

#### **Clause 107. Approval for additional major firearm part for firearm**

Subclause (1) and (2) – Provides the Commissioner can approve one or more major firearm parts as an additional part for a licensed firearm, interchangeable with other major firearm parts for that firearm.

Subclause (3) – Sets out the process for the approval of an additional major firearm part for a licensed firearm.

*Example:* A licensee wishes to possess an additional major firearm part. The licensee must apply for the Commissioner's approval to possess the additional major firearm part by providing a reasonable justification for the additional part. Once approved, the major firearm part will become an approved configuration for a firearm when fitted with the original firearm. This will create approved configurations X (being the original firearm) and Y for that firearm when fitted with the additional major firearm part. Additional configurations are not counted as separate firearms under the numerical limits set in the Bill. Approved configurations X and Y will only count as one firearm.

Subclause (4) – Provides an approved configuration for a firearm must not be included as a firearm to which a licence applies unless the Commissioner is satisfied a licence would be granted to apply to the approved configuration of the firearm.

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

#### **Clause 108. Additional authority conferred by authority for use of firearm**

This clause provides a licence that authorises the use of a firearm also authorises:

- (a) possession of the licensed firearm;
- (b) possession and use of ammunition for the licensed firearm; and
- (c) possession and use of any magazine capable of being used with the licensed firearm that will not change the category as specified in the licence or exceed any maximum capacity prescribed by the regulations.

#### **Clause 109. Additional authority conferred by authority for possession of firearm**

Subclause (1) and (2) – Provides a licence authorising the possession of a firearm also authorises the possession of ammunition for the authorised firearm and any magazine capable of being used with the firearm that will not change the category of the licensed firearm when used or exceed any maximum capacity prescribed by the regulations.

Subclause (3) – Disapplies this clause from Collector Licences for firearms.

### **Clause 110. Authority for use of firearm at licensed firearm range**

Subclause (1) – Provides a licence that authorises the use of a firearm also authorises the use of the authorised firearm, at a licensed range, for:

- (a) target shooting;
- (b) receiving firearms training from an approved firearms trainer; and
- (c) any other purpose prescribed by the regulations.

Subclause (2) – Disapplies this clause to Paintball Licences.

### **Clause 111. Authority for sighting in at authorised use locations**

This clause authorises the licences named by this clause (i.e., Hunting Licences, Professional Shooter Business Licences, Primary Producer Licences, Government Licences and prescribed licences) to engage in target shooting for the purpose of sighting in the firearm at locations at which the firearm is authorised to be used. This ensures the firearms used by persons on properties outside of licensed firearm ranges are appropriately sighted in while at the property and can be accurately, and therefore safely, used when engaging in the purposes for which they are authorised.

*Example:* A Professional Shooter is authorised to target shoot on a property for which they have written authority to conduct Professional Shooting on for the purpose of sighting in their firearm prior to engaging in their professional shoot.

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

This clause provides a licence authorising the possession of a firearm or related thing also authorises the licensee to acquire that thing.

### **Clause 113. Authority for supply of firearm or related thing**

This clause provides a licence that authorises the possession of a firearm or related thing also authorises the licensee to supply that thing to a person in circumstances permitted by, and in accordance with requirements of, the regulations.

### **Clause 114. Authority to supply includes authority to give possession of**

This clause provides a licence that authorises the possession of a firearm or related thing also authorises the licensee to supply that thing to a person in circumstances permitted by the regulations.

### **Clause 115. Authority for authorised person to acquire ammunition**

This clause provides a licence that authorises an authorised person for the licence to use a firearm under the licence also authorises the authorised person to acquire ammunition for that firearm under the licence.

### **Clause 116. Authority for supply of ammunition for use under the licence**

Subclause (1) – Provides a licence that authorises the use of a firearm by an authorised person also authorises the licensee to supply ammunition to an authorised person for that licence for use in the licensed firearm under the authority of the licence.

Subclause (2) – Provides a licence that authorises the use of a firearm by a person other than a licensee or authorised person (i.e., a casual user visiting a licensed firearm club or range), also authorises the licensee and any authorised persons for the licence to supply ammunition to the casual user for immediate use in a licensed firearm under the authority of the licence.

### **Clause 117. Authority for manufacture of ammunition**

This clause provides a licence that authorises the use of a firearm also authorises the person authorised for that use to manufacture ammunition for use in the authorised firearm. This clause does not authorise the supply of ammunition manufactured under this clause.

For the purposes of the Bill in the context of ammunition, the term ‘manufacture’ is taken to mean the act of taking spent (i.e., used) ammunition casings and repurposing them as live ammunition, commonly known within the firearms industry as ‘reloading’ ammunition (not to be confused with reloading the firearm itself which involves placing the ammunition into the firearm).

### **Clause 118. Authority for approved repairs and alterations**

Subclause (1) – Provides a licence that authorises the possession of a firearm or major firearm part also authorises any approved repair or alteration of that thing.

Subclause (2) – States an approval for a repair or alteration for the purposes of this clause can be given to apply generally or be given to apply to a particular licence or kind of licence.

### **Clause 119. Prohibited firearms**

This clause provides a licence cannot be granted to authorise the possession, use, manufacture, acquisition or supply of a prohibited firearm unless in circumstances permitted by the regulations.

### **Clause 120. Prohibited ammunition**

This clause provides a licence that authorises the possession, use, manufacture, acquisition or supply of ammunition does not apply to prohibited ammunition unless approved by the Commissioner or in circumstances permitted by the regulations.

### **Clause 121. Approval of prohibited accessory for firearm**

Subclause (1) – Provides the Commissioner can approve for a licence to apply to a prohibited accessory only if:

- (a) the prohibited accessory is of a kind that the regulations authorise the

Commissioner to approve of an accessory;

- (b) the licence is a kind that the regulations provide is appropriate to authorise to possess or use the accessory; and
- (c) any other requirement of the regulations for the approval of the accessory is satisfied.

Subclause (2) – Specifies the authority conferred by approvals for a licence to apply to a prohibited accessory, including the possession of the permitted accessory and use of permitted accessory in conjunction with the use of the specified firearm.

Subclause (3) – Stipulates that this clause does not limit clause 98 which allows the Commissioner to approve a Trade Licence to apply to prohibited accessories.

### **Clause 122. Extending authority of licence by regulation**

This clause provides the regulations can extend the authority of a licence. This may include to extend that authority to specified persons and extend the authority of the licence to authorise to possess, use, supply or acquire a firearm or related thing for a specific purpose or in specific circumstances.

### **Clause 123. Limiting authority of licence by regulation or conditions [1973 Act s.32(2)(b)]**

Subclause (1) – Provides the regulations can limit the authority of a licence.

Subclause (2) – Provides the conditions of a licence can limit the authority of that licence.

### **Clause 124. Firearms restrictions by regulation**

This clause provides authority for the regulations to restrict the firearms that may be granted for licences generally or specifically, restrict or prohibit the use of a firearm under a licence to specified circumstances, or limit the use of a firearm in specified circumstances, compliant with conditions.

### **Clause 125. Limits on number of firearms by regulation**

This clause provides the regulations may limit the number of firearms a licence can apply to at any time (other than the limit of 10 firearms under an Individual or Primary Producer Licence per clauses 30 and 58(3) respectively).

### **Clause 126. Requirements for target shooting**

This clause provides for the regulations to prescribe the target shooting requirements relating to the nature of the target, its positioning and location, and the nature of the target backstops. A licence holder authorised to undertake target shooting must ensure the target meets the requirements of this clause and associated regulations.



## **Clause 127. Division extends to permits**

This clause extends Part 2, Division 11 in relation to licences to also apply to permits.

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

### **Clause 128. Requirement for responsible person for licence [1973 Act s.33A]**

Subclause (1) – Requires a licence held by a body corporate, partnership or Government entity, must have a responsible person for the licence.

Subclause (2) – States the responsible person for the licence is the person approved by the Commissioner for that role. This means being a responsible person is an approval under a licence.

Subclause (3) – Stipulates a person is not eligible to be approved as the responsible person for a licence unless the person is:

- (a) an officer or employee of the body corporate in the case of a licence held by a body corporate (other than a Government Entity Licence);
- (b) a member or employee of the partnership; or
- (c) an employee of the Government Entity concerned.

Subclause (4) – Sets an eligibility requirement for the responsible person to be 18-years-old or above. This means a 15- to 17-year-old who is an authorised person for the licence cannot be eligible to be the responsible person for the licence.

Subclause (5) – Provides coverage where the responsible person ceases to be eligible continues to be the responsible person for the licence until their approval is cancelled. This ensures that, in accordance with requirements of 128(1), a responsible person remains attached to the licence.

### **Clause 129. Functions of responsible person**

Subclause (1) – Provides when there is a responsible person for a licence:

- (a) the responsible person has all the functions of the licensee;
- (b) anything that the licensee is authorised or required to do can be done by the responsible person on behalf of the licensee (subject to any limited possession conditions on their approval); and
- (c) any act or omission by the responsible person is taken to be an act or omission by the licensee.

Subclause (2) – Provides, should a licensee be guilty of an offence as a result of an act or omission of the responsible person under that licence, then the responsible person is also guilty of that offence.

Subclause (3) – Provides the responsible person of a licence is still liable to be charged

with, and convicted of, a licence offence. This applies whether or not the licensee is charged with, or convicted of, the offence.

The licensee is the person, body corporate, partnership or government entity that holds the licence. The responsible person is the person who acts on behalf of the licensee where the licensee is not a natural person. For instance, a body corporate applies for a business licence. The body corporate itself will be the licensee. However, under that licence, the owner of the business may apply to be the responsible person and the employees could be approved as authorised persons.

The responsible person, who must be an employee or member of a body corporate/partnership/government entity, has the following duties:

- Function as the main point of contact for a specific licence.
- Ensure all conditions and requirements that have been set on a licence are complied with, including making sure all storage facilities are readily available and complying with storage requirements.

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

Subclause (1) – Enables the responsible person for a licence to delegate any of their powers or duties to an authorised person under the licence. This must be enabled by a condition of the licence.

Subclause (2) – This provides that the responsible person must delegate any power of duty in writing in the approved form and be carried out in an approved manner.

Subclause (3) – Stipulates a person who has had any power or duty delegated to them cannot further delegate that power or duty.

Subclause (4) and (5) – Stipulates a person exercising or performing a delegated power or duty is taken to also have been exercised or performed by the responsible person.

### **Clause 131. Responsible person must notify change of eligibility**

This clause requires a person that is the responsible person for a licence to notify the Commissioner within seven days when they cease to be eligible to be the responsible person (e.g., ceasing employment would also cease eligibility to be the responsible person). This clause makes it an offence to fail to notify the Commissioner within seven days of ineligibility, with a penalty of a fine of \$5,000.

### **Clause 132. Function of licensee to be performed only by responsible person**

This clause requires that, when a licence has a responsible person, the functions of the licensee must be performed by, or through, that responsible person or a delegate of the responsible person per clause 130.

### **Clause 133. Division extends to permits**

This clause extends Part 2, Division 12 in relation to licences to also apply to permits.

## **Part 3 — Permits**

### **Clause 134. Grant of permit**

This clause provides the Commissioner powers to grant a permit authorising the possession and use of firearms or related things under circumstances prescribed by the regulations and provides the regulations may introduce additional authorities granted by permits.

It is intended for permits to be issued for firearm activities contemplated within the Bill, usually where the term of a licence is too long for the temporary nature of the activity, or where a suitable person from another jurisdiction seeks to engage in firearm activities within the State.

### **Clause 135. No permit for personal protection**

This clause specifies that a firearm permit that authorises possession or use of a firearm cannot be granted for the purpose of personal protection. This clause adopts a fundamental clause (cl.10) from the 2017 National Firearms Agreement.

### **Clause 136. Holding more than 1 permit**

This clause allows for a single person to hold more than one permit. This allows for a person to hold permits for different firearms, for different purposes and different periods of time as needed if they meet the requirements.

### **Clause 137. Application of other provisions to permits [1973 Act s.17]**

This clause explains that clauses 21 and 22, as well as any other clause that specifies so, also extend to a permit.

## **Part 4 — Firearm authority procedures**

### **Division 1 — General restrictions**

#### **Clause 138. Public safety [1973 Act s.11(1)(b)]**

This clause prohibits the Commissioner from granting a firearm authority to a person if of the opinion that granting that person a firearm authority is not desirable in the interests of public safety. This clause directly reflects the underlying principles and objects of the Bill as per clause 4.

#### **Clause 139. Fit and proper person requirement [1973 Act s.11(1)(c)]**

Subclause (1) – Prohibits the Commissioner from granting a firearm authority to a person if of the opinion that person is not fit and proper to hold a firearm authority. This clause directly reflects the underlying principles and objects of the Bill as per clause 4.

Subclause (2) – Specifies a reference in this Part to a fit and proper person is taken to mean a fit and proper person to hold a firearm authority.

As the clause specifies a fit and proper person requirement applies to the granting of a firearm authority, this requirement applies to all firearm authority types including licences, permits and approvals.

#### **Clause 140. Disqualified and prohibited persons**

This clause prohibits the Commissioner from granting a firearm authority to a person who is a disqualified or prohibited person. This clause directly reflects the underlying principles and objects of the Bill as per clause 4.

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

Subclause (1) – Provides a body corporate or partnership cannot be taken to be fit and proper if a person who holds a relevant management position in the body corporate or partnership is not fit and proper.

Subclause (2) – Stipulates a body corporate or partnership is taken to be a prohibited or disqualified person if a person who holds a relevant management position in the body corporate or partnership is a prohibited or disqualified person.

#### **Clause 142. Regulations: restrictions on grant of firearm authority [1973 Act s.11C]**

Subclause (1) – Provides the regulations can restrict the grant of a firearm authority.

Subclause (2) – Provides the regulations can prescribe additional grounds for refusing the grant of a firearm authority without limiting the operation of 142(1).

### **Clause 143. Grant includes renewal**

This clause provides reference in Part 4 to the grant of a firearm authority includes reference to the renewal of a firearm authority.

### **Clause 144. Operation of other provisions [1973 Act s.11(1)(a)]**

This clause provides Part 4 does not affect the operation of any other clause of the Bill that prevents, restricts, authorises or refuses the grant of a firearm authority.

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

### **Subdivision 1 — Making inquiries**

### **Clause 145. Obligation to make inquiries when indicated [1973 Act s.18(4a)(c)]**

This clause requires the Commissioner to ensure sufficient evidence is provided to satisfy the Commissioner that a person is not fit and proper if there is any apparently reliable indication the applicant may not be fit and proper.

### **Clause 146. Investigating whether person is fit and proper person**

This clause permits the Commissioner to investigate whether the holder of a firearm authority is a fit and proper person to hold that authority at any time.

### **Clause 147. Request for information or interview [1973 Act s.18(13)]**

Subclause (1) – Defines *relevant information* used for the purposes of this clause.

Subclause (2) – Sets out the powers of the Commissioner to investigate whether a person remains a fit and proper person to hold a firearm authority. These powers are in addition to those provided by clause 148 for the purposes of obtaining evidence that a person meeting prescribed firearm authority health standards. The Commissioner can request a person to provide any specified relevant information to the Commissioner and can request the person to be interviewed by an employee of the Department on relevant information.

Subclause (3) – Requires that a request by the Commissioner under this clause must:

- (a) be made in writing;
- (b) specify the time (no less than 28 after the request is made) and manner in which the request must be complied with if the request is for relevant information;
- (c) specify a reasonable time and place for the interview if the request is for an interview;
- (d) state that a failure to comply with the request can result in the cancellation of, or refusal to renew, the relevant firearm authority.

Subclause (4) – Provides the Commissioner has sufficient grounds for forming an opinion that a person is not fit and proper if that person does not comply with a request

under this clause.

Subclause (5) – Makes it an offence to provide knowingly false or misleading information in answer to a request or question under this clause, with a penalty of a fine of \$5,000.

**Clause 148. Evidence that person meets firearm authority health standards [1973 Act s.18(4b)]**

Subclause (1) - For the purposes of this clause, defines the term **health evidence** as a certificate or other evidence provided by a health practitioner. Defines the term **health practitioner** as a person registered under the *Health Practitioner Regulation National Law (Western Australia) Act 2010* to practise a health profession. This does not include student health practitioners.

Subclause (2) – Allows the Commissioner to require evidence that an applicant for, or holder of, a firearm authority meets the prescribed firearm authority health standards and sets out what the Commissioner can do to require that evidence.

Subclause (3) – Allows the Commissioner to require a firearm authority health examination be carried out by a health practitioner, or health practitioner of a kind, of a person's choosing or the Commissioner's choosing. The intent is for the Commissioner to be able to direct an applicant to obtain evidence toward a health assessment, including specialist evidence, and for the Commissioner to be able to request a further examination by a health practitioner of the Commissioner's choosing.

Subclause (4) – Requires the Commissioner to allow a period of at least 28 days for compliance with a requirement under this clause.

Subclause (5) – Provides non-compliance with a requirement of the Commissioner under this clause within the period allowed by the Commissioner is taken to be sufficient grounds for the Commissioner to be satisfied the person does not meet prescribe firearm authority health standards.

Subclause (6) and (7) - Enables the Commissioner to request further information from a health practitioner who provided health evidence. This does not prevent the health practitioner from providing further information, regardless of the Commissioner requesting it. The intent is not for the Commissioner to liaise with a health practitioner that was not previously engaged by an applicant, but for the health practitioner to be protected in their ability to provide additional information to the Commissioner in good faith about an applicant.

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

This clause provides Part 4 Division 2 does not limit:

- (a) the matters that the Commissioner may have regard to when forming an opinion as to whether a person is a fit and proper person; or
- (b) the grounds on which the Commissioner may form the opinion that a person is not a fit and proper person; or

- (c) the circumstances in which the Commissioner has sufficient grounds for forming the opinion that a person is not a fit and proper person.

Part 4 Division 2 intends to provide some guidance as to the matters the Commissioner may consider when forming an opinion as to whether a person is fit and proper.

## **Subdivision 2 — Matters for consideration**

### **Clause 150. General matters for consideration**

This clause sets out the matters to which the Commissioner may have regard to when forming an opinion as to whether a person is fit and proper to hold a firearm authority, including:

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

Specifies this clause does not limit the matters to which the Commissioner can have regard for when forming an opinion as to whether a person is fit and proper.

### **Clause 151. Mandatory criminal records check [1973 Act s.18(4a)(a)]**

Subclause (1) – Requires the Commissioner to investigate and reference any relevant criminal records held by the Western Australia Police Force of a person when forming an opinion that they are a fit and proper person to hold a firearm authority. Where practicable, this requirement extends to the investigation and reference to any relevant criminal records held by police forces in any other Australian jurisdiction.

Subclause (2) – Provides this clause does not limit the Commissioner from having regard to relevant criminal records held by other law enforcement agencies, including those outside of Australia.

### **Clause 152. Consideration of person's associates**

Subclause (1) – Provides the Commissioner may have regard to whether any other person with whom a person associates, or who is a close associate of the applicant, is a fit and proper person when forming an opinion as to whether the person is fit and proper to hold a firearm authority.

Subclause (2) – Defines **close associates** for the purposes of this clause.

## **Subdivision 3 — Sufficient grounds for opinion that person is not fit and proper**

### **Clause 153. Firearm authority health standards [1973 Act s.11(3)(b)]**

This clause provides the Commissioner has sufficient grounds for forming an opinion a person is not fit and proper if satisfied that person does not meet the prescribed firearm authority health standards.

### **Clause 154. Violent behaviour**

The clause provides the Commissioner has sufficient grounds for forming an opinion that a person is not fit and proper if satisfied that person has a history of, or tendency toward, violent behaviour.

### **Clause 155. Risk of firearm misuse**

This clause sets out the risks a person poses that satisfy sufficient grounds for the Commissioner to form an opinion that a person is not fit and proper, including a risk of the person:

- (a) using a firearm for an unlawful purpose;
- (b) using a firearm to harm themselves;
- (c) causing injury or harm to another by the use or threatened use of a firearm;
- (d) failing to exercise responsible control over a firearm.

### **Clause 156. Suspicion of threat to public safety [1973 Act s.11(3)(c), (4a)]**

Subclause (1) – Provides the Commissioner has sufficient grounds for forming an opinion that a person is not fit and proper if the Commissioner reasonable suspects that person is a threat to public safety on the basis of an intelligence report or other intelligence information.

Subclause (2) – Provides the Commissioner is not required under the Bill, or any other Act or written law, to disclose an intelligence report or other intelligence information on which the Commissioner has relied upon as referenced in 156(1) unless the disclosure is required under the *State Administrative Tribunal Act 2004*.

### **Clause 157. Commissioner's discretion not affected**

This clause provides the Commissioner is not obligated to form an opinion a person is not fit and proper on the grounds that, under a provision of this Part 4 Division 2 Subdivision 3, a person does not meet the requirements of that provision and may not be fit and proper. This clause intends to recognise the Commissioner's discretion in making decisions around whether a person is fit and proper to hold a firearm authority and consider all information available to determine a person's fit and proper status.

Particularly, this is intended to cover circumstances where a person may be able to provide health assessments obtained for different licences and authorities, which will be prescribed in the regulations. Any person must provide evidence that their health makes them suitable to hold a firearm authority, but the Commissioner may waive that requirement under this Act if other prescribed evidence is provided and satisfactory



for the Commissioner to be of the opinion a person meets the health standards.

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

#### **Clause 158. Minimum age restrictions [1973 Act s.10]**

Subclause (1) – Sets out the minimum age requirements for each firearm authority type, including:

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

Subclause (2) – Prohibits a firearm authority from being granted to a person under the minimum age for a firearm authority as set out under 158(1).

Subclause (3) – Allows the Commissioner to accept an application for a firearm authority made up to three months before the person turns the minimum age for the firearm authority. As such, a person aged 17 and 9 months can submit an application to the Commissioner for a licence or permit, and a person aged 14 and 9 months can submit an application to the Commissioner for an approval on an existing licence or permit.

Subclause (4) – Restricts the possession and use of a firearm to persons aged 12 and above only. In particular, this applies to any firearm authority that authorises the use of a firearm by persons other than the licensee.

#### **Clause 159. Citizenship and residency**

Subclause (1) – Sets out the residency and citizenship requirements that must be met for a natural person to be granted a licence or approval, that they must reside in WA and that they are:

- (a) an Australian citizen as defined in the *Australian Citizenship Act 2007* (Commonwealth) section 4; or
- (b) a permanent resident as defined in the *Australian Citizenship Act 2007* (Commonwealth) section 5; or
- (c) resident in Australia in circumstances prescribed by the regulations.

This clause does not apply to the grant of a permit due to its temporary nature.

Subclause (2) – Provides the regulations can prescribe circumstances in which a licence or approval can be granted to a person who does not reside in Western Australia, despite 159(1).

#### **Clause 160. Identity of applicant to be established**

Subclause (1) – Prohibits the Commissioner from granting a firearm authority to a natural person unless the identity of that person has been established to the satisfaction of the Commissioner.

Subclause (2) – Prohibits the Commissioner from granting a firearm authority to a partnership unless the identity of each member of the partnership has been established to the satisfaction of the Commissioner.

Subclause (3) – Prohibits the Commissioner from granting a firearm authority to a body corporate unless the incorporation of the body and the identity of each person who holds a management position in the body has been established to the satisfaction of the Commissioner.

Subclause (4) – Provides the Commissioner can require an applicant for the grant or renewal of a firearm authority to provide evidence of the identity of a person in a manner approved by the Commissioner for the purpose of this clause.

**Clause 161. Safety and serviceability of firearm or major firearm part [1973 Act s.12]**

Subclause (1) – Prohibits the Commissioner from granting a firearm authority to a firearm or major firearm part if the Commissioner is of the opinion that the thing is unsafe or unserviceable.

**“Unsafe firearm”** – an unsafe firearm poses a safety risk, such as a live ammunition stuck in the chamber. An unsafe firearm should be handled with caution and any potential repair can only be carried out by a trade licensee with the authority to repair unsafe firearms.

**“Unserviceable firearm”** – an unserviceable firearm does not pose a safety risk but needs either repair or the replacement of one of its parts in order to function. Wear and tear to the barrel of the firearm would mean the firearm is unserviceable.

An unserviceable firearm or major firearm part may be repaired by a Trade Licensee with the appropriate authority to repair firearms and related things. Once the firearm is returned to serviceable status, a firearm authority can be granted for that firearm or major firearm part.

Subclause (2) – Specifies that 168(1) does not prevent:

- (a) the grant of a Trade Licence or permit for a Trade Licensee in relation to a firearm or major firearm part for the purpose of enabling the firearm or major firearm part to be tested, repaired or dismantled for parts;
- (b) the grant of a permit in relation to a firearm or major firearm part for the purpose of enabling it to be conveyed to a Trade Licensee, or any person authorised to have possession of it; or
- (c) the grant of a Collector Licence for a firearm or major firearm part that is unserviceable (but not unsafe).

**Division 4 — Application and grant**

**Clause 162. Term used: application**

This clause defines the term *application* used for the purposes of this Division. *Application* includes an application for the grant of a firearm authority and the grant for the renewal of a firearm authority.

**Clause 163. Making an application [1973 Act s.18(1)]**

Subclause (1) – Requires an application be made to the Commissioner in the approved form and manner.

Subclause (2) – Requires an applicant to provide the Commissioner with the information required by the approved application form.

**Clause 164. Requirement to provide further relevant information [1973 Act s.11(8), 18(12)]**

Subclause (1) – Defines the *relevant information* used for the purposes of this clause.

Subclause (2) – Provides the Commissioner may require an applicant to provide additional information the Commissioner determined to be relevant to the application beyond that provided in the approved application form. Allows the Commissioner to require this of an applicant as many times as the Commissioner deems necessary.

Subclause (3) – Requires an applicant comply with a requirement to provide relevant information to the Commissioner within the period allowed by the Commissioner. Specifies the period allowed by the Commissioner can be no less than 28 days from when the requirement is made.

Subclause (4) – Provides the Commissioner may require an applicant to attend an interview with a police officer or employee of the Department at a reasonable time and place and provide relevant information by way of answering questions in the interview.

**Clause 165. Photograph and signature of applicant [1973 Act s.11(7)(a)]**

Subclause (1) – Provides the Commissioner may require an applicant to provide an approved photograph of the applicant or have a photograph of the applicant taken in an approved manner and then provided to the Commissioner.

Subclause (2) – Provides the Commissioner may require an applicant to provide a sample of the applicant's signature in an approved manner.

**Clause 166. Completion of firearm safety training course [1973 Act s.10A]**

Subclause (1) – Provides the regulations may make provisions that require a firearm authority applicant to have successfully completed an approved firearm safety training course in the safe handling and use of firearms to become a firearm authority holder.

Subclause (2) – Provides the Commissioner can require, as a condition of an approval of a firearm safety training course, that the course be taught by an approved firearms trainer.

Subclause (3) – Prohibits the Commissioner from granting a firearm authority until satisfied the applicant has successfully completed the firearm safety training course if an applicant is required by the regulations to have completed a firearm safety training course for that firearm authority.

**Clause 167. Certificate as to serviceability and safety of firearm or major firearm part [1973 Act s.18(5)]**

Subclause (1) – Provides the Commissioner can require an applicant to provide a serviceability certificate to prove a firearm or major firearm to which an application relates either, or both:

(a) is in a serviceable condition;

(b) complies with any safety standards and tests that are prescribed by the regulations and applicable to the firearm or major firearm part.

Subclause (2) – Provides the Commissioner may require the holder of a firearm authority to provide a serviceability certificate for a firearm or major firearm to which the firearm authority applies and it is a condition of the firearm authority to comply with this requirement. The Commissioner may require this of a firearm authority holder at any time.

Subclause (3) – Requires a serviceability certificate to be in the approved form and issued by an approved person.

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

This clause provides the Commissioner has the power to refuse an application if that application or applicant does not comply with a requirement made under a provision of Part 4 Division 4.

**Clause 169. Grant of application [1973 Act s.18(6), (6a)]**

This clause requires the Commissioner the grant an application for a firearm authority if satisfied:

(a) the application has been properly made in compliance with the Bill and regulations; and

(b) there are no grounds on which the application should be refused.

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

Subclause (1) – Prohibits a person's first application for a firearms licence from being granted any earlier than 42 days from the date the application was made. This time period is provided to allow for adequate investigation into an application prior to it being granted and ensuring the applicant has ample opportunity to withdraw the application should they wish.

Subclause (2) – Provides a licence is a person's first under the Bill if:

- (a) the person has never held a licence of any kind under the Bill; or
- (b) the person has not held a licence of any kind under this Act in the preceding three years before the making of the application.

**Clause 171. Holding more than 1 firearm authority [1973 Act s.18(9)]**

Subclause (1) – Allows for a single person to hold more than one type of firearm authority, subject to 171(2)-(4).

Subclause (2) – Provides a person can only hold one Individual Licence at the same time. Note a person may still hold a single Individual Licence that authorises one or more purposes.

*Example:* A person may hold a single Individual Licence that authorises the purposes of Competition Shooting, Hunting and Paintball but not several Individual Licences. The person may hold other types of licence (e.g. Business Licence, Trade Licence) alongside a single Individual Licence.

If a person is the licensee of a Primary Producer Licence (not to be confused with being approved as an authorised person under the licence), that person cannot be approved under any other Primary Producer Licence – this is because the licensee receives ancillary benefits under their Licence, such as a hunting licence, which is not extended to authorised persons. Authorised persons that do not hold a Primary Producer Licence under their name can be approved as authorised persons under multiple Primary Producer Licences. Finally, this applies to Primary Producer Licences only – the licensee can be approved as an authorised person under any other licence (e.g., a Business Licence).

Subclause (3) – Provides a person can only hold one Primary Producer Licence at the same time.

Subclause (4) – Prohibits a person from holding a Primary Producer Licence at the same time as being an authorised person on another person’s Primary Producer Licence.

*Example:* Person A and Person B each hold a Primary Producer Licence. As both hold a Primary Producer Licence, Person A cannot be an authorised person under Person B’s Primary Producer Licence and vice versa.

Person C is an authorised person under Person A’s Primary Producer Licence. Person C cannot be granted a Primary Producer Licence while remaining as an authorised person under this licence.

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

This clause provides two or more firearm authorities can apply to the same firearm. This applies whether the relevant firearm authorities are held by the same, or different, persons.

*Example:* Person A has a Professional Shooter Business Licence that applies to a single Category B firearm. In accordance with clause 172, Person A also has a permit for the same Category B firearm for hunting purposes for a three-month period.

Person B also has an Individual Licence for hunting (Hunting Licence) that applies to the same Category B firearm.

**Clause 173. Form of firearm authority [1973 Act s.18(7)]**

This clause requires a firearm authority be in a form determined by the Commissioner.

**Clause 174. Application on behalf of authorised person or responsible person**

Subclause (1) – Provides that if a person makes an application for the approval of a person as a responsible or authorised person for a licence, that application is taken as having been made by the person the application pertains to.

Subclause (2) – Provides that if an approval of a person as an authorised person for a licence is granted in relation to an application made on behalf of a person, that approval is taken as being granted to the person the application pertains to.

**Clause 175. Register of firearm authorities [1973 Act s.18(6), (7)]**

Subclause (1) – Requires the Commissioner compile and maintain a register of granted and renewed firearm authorities under the Bill. This intends to also encompass firearm authorities that have previously been granted and/or renewed but then cancelled or revoked. This register may be in a form determined by the Commissioner.

Subclause (2) – Requires the Commissioner enter the particulars determined by the Commissioner into the register for each firearm authority granted or renewed under the Bill. This intends to also encompass firearm authorities that have previously been granted and/or renewed but then cancelled or revoked.

**Clause 176. Notice of refusal of application and reasons [1973 Act s.18(8)]**

This clause requires the Commissioner to give an applicant written notice should the Commissioner refuse an application for a firearm authority. The written notice is required to contain the decisions and reasons for the decision of refusal and must be provided to the applicant as soon as reasonably practicable.

**Clause 177. Firearm authorities not transferable [1973 Act s.9]**

This clause prohibits a firearm authority from being transferred to another person.

**Clause 178. Offence of providing false or misleading information [1973 Act s.22C(1)(f)]**

This clause makes it an offence for a person to provide information they know to be false or misleading in a material particular in relation to any application for a firearm authority. The penalty for this offence is a fine of \$5,000.

## **Division 5 — Term and renewal**

### **Clause 179. Term and renewal of licence [1973 Act s. 9A]**

Subclause (1) – Provides a licence can be granted or renewed for a period of one, three or five years. Allows the licence applicant to choose the period for which the licence is granted or renewed.

Subclause (2) – Allows the Commissioner to grant or renew a licence for any period determined by the Commissioner for the purpose of aligning the term of two or more licences held by the same person.

*Example:* Person A has an existing Primary Producer Licence with a term of one year (due for renewal now) and an Individual Licence for competition (Competition Licence) for a term of three years (with two years left until renewal). Upon renewal of Person A's Primary Producer Licence, the Commissioner can renew the licence for two years to align terms of both licences held by Person A.

Subclause (3) – Allows the Commissioner to renew a licence on application made by the licence holder if that application is made prior to the licence expiry or within three months after the licence expiry.

Subclause (4) – Provides the regulations may prescribe a fee payable for an application for the renewal of a licence if the application is made more than seven days after the end of the term of the licence.

Subclause (5) – Provides a licence renewed after the end of the term of the licence is taken to have commenced immediately after the end of the term of the licence that is renewed.

*Example:* Person A has a licence for the term of one year. The licence expired a month ago and Person A applies for it to be renewed for another year. It is approved. Despite being made a month after the expiry of the term of the licence, the renewal is taken to have commenced immediately after that expiry.

Subclause (6) – Prohibits a licence from being renewed on application made by the licence holder if that application is made more than three months after the licence expiry. If a previous licence holder would like to continue to hold a firearm authority more than three months after the expiry of their previous licence, they can apply for a new licence.

### **Clause 180. Continuation of licence when application for renewal pending**

Subclause (1) – Provides that if an application for the renewal of a licence is made before the end of the term of the licence and it has not been determined prior to expiry:

- (a) the licence continues in force until the licensee is notified of the grant or refusal of the application for renewal (unless the licence is cancelled or suspended under another provision of this Act); and

(b) if the licence is renewed, the term of the renewed licence is taken to have commenced immediately after the end of the term of the licence that is renewed.

Subclause (2) – Provides that after an application for renewal is withdrawn, the licence to which it applies ceases to be in force.

Subclause (3) – Provides a licence does not continue to be in operation while an application for renewal is being determined if that application was made after the end of the term of the licence.

**Clause 181. Term and renewal of permit [1973 Act s.17(3), (4)]**

Subclause (1) – Provides a permit can be granted for a period not exceeding three months when initially granted.

Subclause (2) – Allows a permit to be renewed upon application for a period of up to three months. Requires an application for renewal of a permit to be made prior to permit expiry.

Subclause (3) – Provides a permit renewed after the end of the term of the permit is taken to have commenced immediately after the end of the term of the permit that is renewed.

*Example:* Person A has a 3-month permit. The permit expired a month ago and Person A applies for it to be renewed for another 3 months. It is approved. Despite being made a month after the expiry of the term of the permit, the renewal is taken to have commenced immediately after that expiry.

Subclause (4) – Prohibits a permit from being renewed upon application made more than three months after the end of the term of the permit. This does not prevent the person from applying for a new permit, subject to 181(7).

Subclause (5) – Provides, if an application for the renewal of a permit is made before the end of the term of the permit and it has not been determined prior to expiry:

(a) the permit continues in force until the holder of the permit is notified of the grant or refusal of the application for renewal (unless the permit is cancelled or suspended under another provision of the Bill); and

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

Subclause (6) – Allows a permit to be renewed more than once but prohibits a permit from being in force for a period exceeding six months in total.

Subclause (7) – Prohibits a person from being authorised by a permit in relation to a particular firearm for more than six months in any period of 12 consecutive months.

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

This clause allows an approval to be granted or renewed for a period determined by



the Commissioner.

### **Clause 183. Possession offence during renewal period**

Subclause (1) – Defines the terms used under this clause.

Subclause (2) – Prohibits proceedings from being taken against a person for a possession offence in relation to possession in compliant storage of a firearm or related thing if the person's possession of the firearm or other thing:

(a) would not have been an offence if a licence previously held by the person (the recently expired firearm authority) had been in force at the time; and

(b) is in compliant storage.

This means a person who would otherwise be committing possession offences due to an expired firearm authority cannot have proceedings taken against them in relation to firearms and related things if the things are kept in compliant storage during the renewal period.

Subclause (3) – Provides this clause does not impact the taking of proceedings against a person for a possession offence in relation to the possession of a firearm or related thing that is not in compliant storage or the use of a firearm or related thing.

Subclause (4) – Provides this clause does not affect police powers in relation to seizing a firearm or related thing in a person's possession if that person is not entitled to lawful possession of it, even if that possession is in compliant storage.

### **Clause 184. Regulations: restrictions on renewal [1973 Act s.11C]**

This clause provides the regulations have the power to restrict the renewal of a firearm authority. As such, this clause provides the regulations can place conditions, limitations and restrictions on the renewal of a firearm authority.

### **Clause 185. No renewal as of right [1974 Regulations r.3B]**

This clause specifies a firearm authority is not renewable as of right. This clause means a person who is granted a firearm authority is not automatically entitled to renew that firearm authority by virtue of it having been granted initially.

## **Division 6 — Conditions**

### **Clause 186. Conditions of firearm authority**

Subclause (1) – Sets out the conditions to which a firearm authority can be subject.

Subclause (2) – Provides the conditions of an approval as a responsible or authorised person for a licence can also impose obligations and restrictions on the person subject to that approval.

### **Clause 187. Imposition and variation of conditions [1973 Act s.21(1)]**

Subclause (1) – Sets out the conditions to which a firearm authority is subject.

Subclause (2) – Provides a discretionary condition of a firearm authority can vary or disapply a prescribed condition of a firearm authority and operate accordingly.

Subclause (3) – Permits the Commissioner to vary the discretionary conditions of a firearm authority by notice in writing to the firearm authority holder. The Commissioner can vary the discretionary conditions by adding to, deleting or amending conditions.

Subclause (4) – Requires a notice of variation of the discretionary conditions of a firearm authority under 187(3) by the Commissioner to also include the reasons for the variation in conditions.

Subclause (5) – Provides a variation of discretionary conditions of a firearm authority takes effect when the firearm authority holder to which that variation applies receives a notice of that variation in from the Commissioner or at a later time as specified by the Commissioner in the notice of variation.

### **Clause 188. Compliance with conditions [1973 Act s.21(2)]**

This clause makes it an offence for a person to contravene a condition of a firearm authority if they are:

- (a) the holder of the firearm authority; or
- (b) the responsible person or an authorised person under the licence; or
- (c) a person who ought reasonably to have known of the existence of the condition.

The penalty for this offence is:

- (a) a \$5,000 fine for a first offence; or
- (b) 12 months' imprisonment and a fine of \$12,000 for a second or subsequent offence.

## **Division 7 — Amendment of licences and permits**

### **Clause 189. Amendment to add, replace or remove firearm**

Subclause (1) – Sets out the ways in which a licence or permit authorising the possession or use of a firearm can be amended by the Commissioner upon application of the holder.

Subclause (2) – Allows the Commissioner to amend a licence or permit to remove a firearm from the firearm authority without an application by the holder if the Commissioner is of the opinion that the licence or permit would not be granted to apply to the firearm.

Subclause (3) – Prohibits the Commissioner from amending a licence or permit to add

or replace a firearm unless satisfied that the licence or permit could be granted to apply to the additional or replacement firearm.

Subclause (4) – Prohibits the Commissioner from amending a licence or permit to remove a firearm if the firearm to be removed is the only firearm attached to that licence or permit and removing that firearm would result in the firearm authority not applying to any firearm unless the authority is then cancelled.

### **Clause 190. Amendment to change purpose of Individual or Trade Licence [1973 Act s. 21A(1)-(2)]**

Subclauses (1) – Defines the term *licence purpose* for the purposes of this clause.

Subclause (2) – Provide the Commissioner can add a licence purpose to an Individual Licence or Trade Licence if the licence could have been granted for that purpose.

Subclause (3) – Provides the Commissioner can remove a licence purpose from an Individual Licence or Trade Licence upon application of the licensee or the Commissioner is satisfied the licence could not have been granted for that purpose.

Subclause (4) – Stipulates if a licence purpose is added, the licence is taken to authorise that purpose and any other purpose already authorised.

Subclause (5) – Stipulates if a licence purpose is removed, the licence is taken to no longer authorise that purpose.

Subclause (6) – Stipulates a licence purpose cannot be removed from a licence if it is the only purpose of the licence. In this circumstance, the licence would instead be cancelled.

### **Clause 191. Notice and taking effect of amendment**

Subclause (1) – Requires the Commissioner give a firearm authority holder notice in writing of any decision to amend a licence or permit under this Division.

Subclause (2) – Requires a notice of decision by the Commissioner to include a statement of the Commissioner's reasons for the decision. This is disapplied if the amendment concerned is made on application by the holder of the licence or permit.

Subclause (3) – Provides the Commissioner's decision to amend a licence or permit takes effect when a written notice of the decision is given to the firearm authority holder or on a later date specified in the notice by the Commissioner.

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

### **Clause 192. Mandatory cancellation or refusal to renew**

Subclause (1) – Sets out the circumstances in which the Commissioner is required to cancel or refuse to renew a firearm authority, including:

- (a) the Commissioner is of the opinion that it is not desirable in the interests of public safety that the firearm authority continues in force or is renewed; or

- (b) the Commissioner is of the opinion that the holder of the firearm authority is not a fit and proper person to hold the firearm authority; or
- (c) the Commissioner is satisfied that the holder of the firearm authority is a disqualified person; or
- (d) the Commissioner is satisfied that a person who holds a relevant management position in the body corporate or partnership that holds the firearm authority is a prohibited person or disqualified person; or
- (e) cancellation of the firearm authority is required by or under any other written law.

This does not impact the operation of clause 326 which automatically cancels a firearm authority held by a prohibited person.

Subclause (2) – Provides the Commissioner is not required to cancel or refuse to renew a firearm authority if a disqualified person is disqualified only because:

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

This is because interim disqualification is of a temporary nature.

**Clause 193. Discretionary cancellation or refusal to renew [1973 Act s.20(1), (2)]**

Subclause (1) – Sets out the circumstances in which the Commissioner may be satisfied to cancel or refuse to renew a firearm authority, including:

- (a) the firearm authority was obtained by fraud or deception; or
- (b) the holder of the firearm authority has contravened a provision of this Act; or
- (c) the holder of the firearm authority has contravened a condition to which the firearm authority is subject; or
- (d) the holder of the firearm authority would not, because of another provision of this Act, be granted the firearm authority if the person were then applying for it; or
- (e) the Commissioner is authorised under another provision of this Act to cancel or refuse to renew the firearm authority; or
- (f) the firearm authority was granted incorrectly because of an administrative or procedural error; or
- (g) a firearm the use of which is authorised by the firearm authority is unsafe or unserviceable, or is unsuitable for its authorised use; or

(h) in the case of an approval, the circumstances in which the approval was granted in relation to any person or matter no longer prevail.

Subclause (2) – Provides the regulations may prescribe additional grounds for which the Commissioner can cancel or refuse to renew a firearm authority.

Subclause (3) – Provides the Commissioner has the power to impose conditions on, or vary conditions of, a firearm authority as an alternative to cancelling or refusing to renew a firearm authority under this clause. However, this is not an alternative to cancelling or refusing to renew a firearm authority as required by clause 192 if the firearm authority holder is a disqualified person.

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

Subclause (1) – Requires the Commissioner to request a firearm holder to make a submission about their fit and proper status if the Commissioner is of the opinion that the holder may not be fit and proper. This clause intends to require the Commissioner to provide a firearm authority holder the opportunity to demonstrate their fit and proper status if the Commissioner is of the opinion the firearm authority holder may not be fit and proper to hold that authority.

Subclause (2) – Requires that a request by the Commissioner under this clause must:

- (a) be made in writing;
- (b) specify the time (no less than 28 after the request is made) and manner in which the request must be complied with if the request is for relevant information;
- (c) specify a reasonable time and place for the interview if the request is for an interview;
- (d) state that a failure to comply with the request can result in the cancellation of, or refusal to renew, the relevant firearm authority.

Subclause (3) – Provides the Commissioner has sufficient grounds for forming an opinion that a person is not fit and proper if that person does not comply with a request under this clause.

**Clause 195. Notice and taking effect of cancellation or refusal of renewal [1973 Act s.20(3)]**

Subclause (1) – Requires the Commissioner to provide written notice of a decision to cancel or refuse to renew a firearm authority to the holder of that authority.

Subclause (2) – Requires a written notice of a decision to cancel or refuse to renew a firearm authority by the Commissioner to include a statement of the reasons for that decision.

Subclause (3) – Provides the cancellation or refusal to renew a firearm authority takes effect when the firearm authority holder to which that decision applies receives a written notice of that decision from the Commissioner or at a later time as specified by the Commissioner in the notice.

Subclause (4) – Disapplies this clause from a decision to cancel a firearm authority at the request of the authority holder as per clause 196.

**Clause 196. Cancellation at request of holder [1973 Act s.20(4)]**

Subclause (1) – Permits the Commissioner to cancel a firearm authority upon request in the approved form by the firearm authority holder.

Subclause (2) – Provides the cancellation of a firearm authority at the request of a firearm authority holder takes effect when the authority holder receives a written notice of that decision from the Commissioner.

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

Subclause (1) – Makes it an offence for a firearm authority holder to fail to provide the Commissioner written notice in the approved manner and form within 14 days of becoming aware of a disqualifying event in relation to the person or an authorised person under the licence. The penalty for this offence is a fine of \$2,000.

Subclause (2) – Sets out what is taken to be a disqualifying event in relation to a person, including:

- (a) a disqualifying order is made against the person;
- (b) the person is charged with a disqualifying offence; or
- (c) there has been a finding of guilt in relation to a disqualifying offence committed by the person.

This does not require notice to be given of being charged with an offence that could justify suspension under clause 199 as clause 199 relies on an opinion of the Commissioner that is beyond the knowledge of the person charged.

**Division 9 — Suspension**

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

Subclause (1) – Sets out the circumstances in which the Commissioner is obligated to suspend a firearm authority, such as if satisfied:

- (a) the holder of the firearm authority is an interim disqualified person; or
- (b) a person in a relevant management position in the body corporate or partnership is an interim disqualified person.

Subclause (2) – Requires the Commissioner to revoke a suspension of a firearm authority if satisfied the person has ceased to be subject to interim disqualification per 198(1).

Subclause (3) – Provides this clause does not prevent the Commissioner from cancelling a firearm authority as required or authorised under Part 4 Division 8.

### **Clause 199. Suspension at discretion of Commissioner: fit and proper person**

Subclause (1) – Provides the Commissioner has the power to suspend a firearm authority if there are reasonable grounds to believe the authority holder may not be fit and proper.

Subclause (2) – Sets out circumstances in which there are reasonable grounds for the belief that a person may not be a fit and proper person, without limiting the circumstances the Commissioner may consider, including:

- (a) when the person has been charged with an offence and the Commissioner is of the opinion that a finding of guilt is likely to result in cancellation of the firearm authority on the grounds that the person is not a fit and proper person to hold the firearm authority;
- (b) when it appears to the Commissioner that there may be sufficient grounds for the Commissioner forming the opinion that the person is not a fit and proper person to hold the firearm authority.

This clause is related to Part 4 Division 2 which details the circumstances in which the Commissioner has sufficient grounds for forming the opinion a person is not fit and proper to hold a firearm authority.

Subclause (3) – Stipulates a suspension under this clause remains in force until revoked by the Commissioner or until the firearm authority subject to suspension is cancelled, whichever happens first.

Subclause (4) – Allows the Commissioner to revoke a suspension under this clause at any time.

Subclause (5) – Requires the Commissioner revoke a suspension under this clause if the Commissioner decided the firearm authority should remain in force following an investigation into whether the authority holder is fit and proper.

### **Clause 200. Suspension for non-payment of fee**

Subclause (1) – Provides the Commissioner can suspend a firearm authority if satisfied a fee payable under the Bill has not been paid.

Subclause (2) – Stipulates a suspension under this clause remains in force until revoked by the Commissioner or otherwise cancelled, whichever occurs first.

Subclause (3) – Allows the Commissioner to revoke a suspension under this clause at any time and requires the Commissioner revoke the suspension when the unpaid fee is paid.

Subclause (4) – Requires the Commissioner to revoke a suspension under this clause upon payment of a relevant unpaid fee.

### **Clause 201. Notice and taking effect of suspension [1973 Act s.20(3)]**

Subclause (1) – Requires the Commissioner to provide written notice of a decision to suspend a firearm authority to the holder of that authority.

Subclause (2) – Requires a written notice of a decision to suspend a firearm authority by the Commissioner to include a statement of the reasons for that decision.

Subclause (3) – Provides the suspension of a firearm authority takes effect when the firearm authority holder to which that decision applies receives a written notice of that decision from the Commissioner or at a later time specified by the Commissioner in the notice.

### **Clause 202. Effect of suspension**

Subclause (1) – Provides a firearm authority has no effect while suspended. This means that the suspended person is taken as not having a firearm authority for the period of suspension.

Subclause (2) – Prohibits a firearm authority from being renewed during a period of suspension. This does not prevent a suspended person from making an application for renewal during a period of renewal, however, the application will not be determined until the suspension is revoked or the firearm authority is otherwise cancelled.

### **Clause 203. Possession offence during suspension**

Subclause (1) – Defines certain **possession offence** for purposes of this clause.

Subclause (2) – Prohibits proceedings from being taken against a person for a possession offence in relation to possession of a firearm or related thing in compliant storage if the person's possession of the firearm or other thing would not have been an offence if the relevant firearm authority had not been suspended and had been in force at the time.

Subclause (3) – Provides this clause does not affect the taking of proceedings against a person for a possession offence in relation to the possession of a firearm or related thing that is not in compliant storage or the use of a firearm or related thing.

Subclause (4) – Provides this clause does not affect police powers in relation to seizing a firearm or related thing in a person's possession if that person is not entitled to lawful possession of it, even if that possession is in compliant storage.

## **Division 10 — Licence cards**

### **Clause 204. Terms used [1973 Act s.22A(1)]**

This clause defines certain terms used for the purposes of this Part.

### **Clause 205. Issue of licence card [1973 Act s.22A(1), (6)(a)]**

Subclause (1) – Allows the Commissioner to issue a licence card to a licensed person.



Subclause (2) – Sets out the purposes of a licence card.

Subclause (3) – Requires a licence card to display a photograph of the person to whom the card is issued and a sample of the person's signature.

Subclause (4) – Provides the Commissioner may determine the format in which a licence card may be issued and allows it to be issued in more than one format. This allows for the issuing of an electronic or digital licence card if the Commissioner considers it appropriate.

Subclause (5) – Provides a licence card may be also known as the firearm authority for which it is issued.

*Example:* A person has a Primary Producer Licence and a corresponding licence card for that firearm authority. That person can refer to their licence card as their 'Primary Producer Licence' and it is to be taken under the Bill to be a reference to their 'licence card'.

Subclause (6) – Provides sighting a licence card in relation to a firearm authority or exemption is to be taken as sighting the firearm authority or exemption to which that licence card pertains.

#### **Clause 206. Duty to carry and produce licence card [1973 Act s.22A(2)-(5)]**

This clause makes it an offence for a person issued with a licence card and in immediate possession of a firearm or related thing to not have their licence card in their immediate possession and, on request, immediately produce that licence card for inspection by a police officer. The penalty for this offence is a fine of \$2,000.

#### **Clause 207. Unlawful alteration of licence card [1973 Act s.22C(1)(a), (b), (2)]**

Subclause (1) – Makes it an offence for a person to, without lawful authority, alter a licence card or use, or possess, a licence card that has been altered without lawful authority. The penalty for this offence is a fine of \$5,000.

Subclause (2) – Specifies any alteration, addition or erasure made to a licence card by a police officer or another person exercising a function under the Bill is to be taken as making that alteration, addition or erasure with lawful authority.

#### **Clause 208. Fraudulent possession and use of licence card [1973 Act s.22C(1)(c)-(e)]**

This clause makes it an offence for a person to, without lawful authority:

- (a) be the holder of a licence card, parts with possession of it so that it can be used by any other person other than as the agent of the holder;
- (b) use or attempt to use a licence card, granted or issued to another person, other than as the agent of the holder, to obtain possession of a firearm or related thing; or
- (c) fraudulently obtain, be in possession of, or use a licence card.

The penalty for this offence is a fine of \$5,000.

**Clause 209. Surrender of physical licence card [1973 Act s.22B]**

Subclause (1) – Defines the term *physical licence card* for the purposes of this clause.

Subclause (2) – Makes it an offence for a person who ceases to be a licensed person due to expiry, cancellation of, or refusal to renew, a relevant licence to fail to surrender a physical licence card issued for that licence to a police officer as soon as practicable. The penalty for this offence is a fine of \$2,000.

This does not require the surrender of a licence card during a period of suspension, however, as per clause 202 a licence card is of no effect during that period as the firearm authority attached to that licence card is of no authority during that period.

Subclause (3) – Provides 209(2) does not require the surrender of a physical licence card after the expiry of the term of the relevant licence:

- (a) while an application for the renewal of the relevant licence is permitted to be made; or
- (b) if an application for renewal is made during that period, until the application is determined or withdrawn.

## **Part 5 — Firearm authority offences**

### **Division 1 — Possession of firearms and major firearm parts**

#### **Clause 210. Unlawful possession of firearm or major firearm part**

Subclause (1) – States that a person must not possess a firearm or major firearm part unless authorised by a firearm authority.

Subclause (2) – Explains that a reference to unlawful possession of a firearm or major firearm part in this Division is a reference to possession of the item in contravention of 210(1).

#### **Clause 211. Offence of unlawful possession [1973 Act s.19(1)(c), (1ad), 23(3)(b)]**

This clause makes it a crime to possess a firearm or major firearm part without a firearm authority, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

#### **Clause 212. Offence involving handgun or prohibited firearm [1973 Act s.19(1ac)(b), (1ad), 23(3)(a)]**

This clause makes it a crime to possess a firearm that is a handgun or prohibited firearm, or major firearm part for a handgun or prohibited firearm, without a firearm authority, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

#### **Clause 213. Offence involving 3 or more firearms or major firearm parts [1973 Act s.19(1ab)(b)]**

This clause makes it a crime to possess three or more firearms or major firearm parts without a firearm authority, with a penalty of ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

#### **Clause 214. Offence involving 3 or more firearms or major firearms parts: handgun or prohibited firearm**

This clause makes it a crime to possess three or more firearms or major firearm parts without a firearm authority where:

- (a) one or more firearms is a handgun or prohibited firearm; or
- (b) major firearm parts are for different firearms, one or more of which is a handgun or prohibited firearm.

The penalty for this offence is 14 years' imprisonment.

#### **Clause 215. Offence while in immediate possession of prohibited drug or prohibited plant [1973 Act s.19(1ab)(a)(i)]**

This clause makes it a crime to possess a firearm or major firearm part without a firearm authority while, at the same time, being in immediate possession of a

prohibited drug or prohibited plant (as defined by the *Misuse of Drugs Act 1981*). The penalty for this crime is 14 years' imprisonment.

This provision is only applicable if the possession of the prohibited drug or prohibited plant is not authorised under the *Misuse of Drugs Act 1981*.

**Clause 216. Offence while in immediate possession of large sum of money [1973 Act s.19(1ab)(a)(ii)]**

Subclause (1) – Makes it a crime to possess a firearm or major firearm part without a firearm authority while, at the same time, being in immediate possession of a sum of money that is equal to, or greater than, that prescribed by the regulations. The penalty for this crime is 14 years' imprisonment.

Subclause (2) – Specifies that 216(1) only applies if the person does not have a lawful excuse for possessing the amount of money concerned.

**Division 2 — Use of firearms**

**Clause 217. Unlawful use of firearm**

Subclause (1) – States a person must not use a firearm unless authorised by a firearm authority.

Subclause (2) – Explains a reference to unlawful use of a firearm in this Division is a reference to use of the item in contravention of 217(1).

**Clause 218. Offence of unlawful use [1973 Act s.23(3)]**

This clause makes it a crime to use a firearm without a firearm authority, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Clause 219. Offence of unlawful use: handgun or prohibited firearm [1973 Act s.23(3)]**

This clause makes it a crime to use a firearm that is a handgun or prohibited firearm without a firearm authority, with a penalty of 10 years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

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

**Subdivision 1 — Supplying without authority**

**Clause 220. Supplying by unauthorised supplier**

Subclause (1) – States that a person must not supply a firearm or major firearm part unless authorised by a firearm authority. The person who is supplying a firearm or major firearm part is referred to as the *supplier*.

Subclause (2) – Explains that a reference to supplying a firearm or major firearm part

as an unauthorised supplier in this Division is a reference to supplying the item in contravention of 220(1).

**Clause 221. Offence of unauthorised supply [1973 Act s.19(1)(a), (1ad)]**

This clause makes it a crime to supply a firearm or major firearm part without a firearm authority, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

**Clause 222. Offence of unauthorised supply involving 3 or more firearms or major firearm parts [1973 Act s.19(1)(a), (1aa)]**

This clause makes it a crime to supply three or more firearms, or major firearm parts for different firearms, without a firearm authority at or about the same time, with a penalty of 14 years' imprisonment.

**Clause 223. Offence of unauthorised supply involving handgun or prohibited firearm [1973 Act s.19(1)(a), (1ac)(b), (ba)]**

This clause makes it a crime to supply a firearm that is a handgun or prohibited firearm, or major firearm part for a handgun or prohibited firearm, without a firearm authority, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Subdivision 2 — Supplying to unauthorised person**

**Clause 224. Supplying to unauthorised person**

Subclause (1) – States that a person must not supply a firearm or major firearm part unless the person to whom they are supplying that thing is authorised to acquire it by a firearm authority.

Subclause (2) – Explains that a reference to supplying a firearm or major firearm part to an unauthorised person in this Division is a reference to supplying the item in contravention of 224(1).

Subclause (3) – Extends this clause to apply to the supply of a firearm or major firearm part to an unauthorised person outside of the State and provides the regulations may make provisions as to the circumstances in which a person outside of the State is authorised by a firearm authority to acquire a firearm or major firearm part.

**Clause 225. Offence of supplying to unauthorised person [1973 Act s.19(2)(a), penalty (c)]**

This clause makes it a crime to supply a firearm or major firearm part to a person that does not have a firearm authority with a penalty five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

**Clause 226. Offence involving supply of handgun or prohibited firearm [1973 Act s.19(2)(a), penalty (a)]**

This clause makes it a crime to supply a firearm that is a handgun or prohibited firearm, or major firearm part for a handgun or prohibited firearm, to an unauthorised person, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

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

#### **Clause 227. Giving possession to unauthorised person**

Subclause (1) – States that a person must not give possession of a firearm or major firearm part to a person unless the person to whom they are giving possession of that thing is authorised to possess it by a firearm authority.

Subclause (2) – Explains that a reference to giving possession of a firearm or major firearm part to an unauthorised person in this Division is a reference to supplying the item in contravention of 227(1).

Subclause (3) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess a firearm or major firearm part by a firearm authority for the purpose of this clause.

#### **Clause 228. Offence of giving possession to unauthorised person [1973 Act s.19(2)(a), (c), penalty (c)]**

This clause makes it a crime to give an unauthorised person possession of a firearm or major firearm part, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

#### **Clause 229. Offence involving giving possession of handgun or prohibited firearm [1973 Act s.19(2)(a), (c), penalty (a), (b)]**

This clause makes it a crime to give an unauthorised person possession of a handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

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

#### **Subdivision 1 — Acquiring without authority**

#### **Clause 230. Acquiring by unauthorised person [1973 Act s.19(1)(b)]**

Subclause (1) – States that a person must not acquire a firearm or major firearm part unless authorised by a firearm authority.

Subclause (2) – Explains that a reference to acquiring a firearm or major firearm part as an unauthorised person in this Division is a reference to supplying the item in contravention of 230(1).

**Clause 231. Offence of acquiring as unauthorised person [1973 Act s.19(1)(b), (1ad)]**

This clause makes it a crime to acquire a firearm or major firearm part without a firearm authority, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

**Clause 232. Offence involving acquiring handgun or prohibited firearm [1973 Act s.19(1)(b), (1ac)(b), (ba)]**

This clause makes it a crime to acquire a handgun or prohibited firearm, or major firearm of a handgun or prohibited firearm, without a firearm authority, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Subdivision 2 — Acquiring from unauthorised person**

**Clause 233. Acquiring from unauthorised person [1973 Act s.19(2)(b)]**

Subclause (1) – States that a person must not acquire or take possession of a firearm or major firearm part from a person unless the person from whom they are taking possession of that thing is authorised to possess it by a firearm authority.

Subclause (2) – Explains that a reference to acquiring or taking possession of a firearm or major firearm part from an unauthorised person in this Division is a reference to acquiring or taking possession of the item in contravention of 233(1).

Subclause (4) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess a firearm or major firearm part by a firearm authority for the purpose of this clause.

**Clause 234. Offence of acquiring from unauthorised person [1973 Act s.19(2)(b), penalty (c)]**

This clause makes it an offence to acquire or take possession of a firearm or major firearm part from an unauthorised person, with a penalty of three years' imprisonment and a fine of \$36,000.

**Clause 235. Offence involving handgun or prohibited firearm [1973 Act s.19(2)(b), penalty (a), (b)]**

This clause makes it a crime to acquire or take possession of a handgun or prohibited firearm, or major firearm part for a handgun or prohibited firearm, from an unauthorised person, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

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

**Clause 236. Taking possession from unauthorised person [1973 Act s.19(2)(b)]**

Subclause (1) – States that a person must not acquire or take possession of a firearm or major firearm part from a person unless the person from whom they are taking

possession of that thing is authorised to possess it by a firearm authority.

Subclause (2) – Explains that a reference to acquiring or taking possession of a firearm or major firearm part from an unauthorised person in this Division is a reference to acquiring or taking possession of the item in contravention of 236(1).

Subclause (4) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess a firearm or major firearm part by a firearm authority for the purpose of this clause.

**Clause 237. Offence of taking possession from unauthorised person [1973 Act s.19(2)(b), penalty (c)]**

This clause makes it an offence to acquire or take possession of a firearm or major firearm part from an unauthorised person, with a penalty of three years' imprisonment and a fine of \$36,000.

**Clause 238. Offence involving handgun or prohibited firearm [1973 Act s.19(2)(b), penalty (a), (b)]**

This clause makes it a crime to acquire or take possession of a handgun or prohibited firearm, or major firearm part for a handgun or prohibited firearm, from an unauthorised person, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

**Division 5 — Ammunition**

**Clause 239. Unauthorised possession or acquisition of ammunition [1973 Act s.19(1)(c), (1ad)]**

This clause makes it an offence to possess ammunition without a firearm authority, with a penalty of three years' imprisonment and a fine of \$36,000.

**Clause 240. Unauthorised possession or acquisition of prohibited ammunition**

This clause makes it a crime to possess prohibited ammunition without a firearm authority, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

**Clause 241. Supplying or giving possession of ammunition without authority [1973 Act s.19(1)(a), (1ad)]**

This clause makes it an offence for an unauthorised person to supply or give possession of ammunition to another person, with a penalty of three years' imprisonment and a fine of \$36,000.

**Clause 242. Supplying or giving possession of prohibited ammunition without authority**

This clause makes it an offence for an unauthorised person to supply or give possession of prohibited ammunition to another person, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years'



and a fine of \$24,000.

**Clause 243. Supplying or giving possession of ammunition to unauthorised person [1973 Act s.19(2)(a), (c)]**

Subclause (1) – Makes it an offence to give an unauthorised person possession of ammunition, with a penalty of three years' imprisonment and a fine of \$36,000.

Subclause (2) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess ammunition by a firearm authority for the purpose of this clause.

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

Subclause (1) – Makes it an offence to give an unauthorised person possession of prohibited ammunition, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

Subclause (2) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess prohibited ammunition by a firearm authority for the purpose of this clause.

**Clause 245. Acquiring or taking possession of ammunition from unauthorised person [1973 Act s.19(2)(b)]**

Subclause (1) – Makes it an offence to acquire or take possession of ammunition from an unauthorised person, with a penalty of three years' imprisonment and a fine of \$36,000.

Subclause (2) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess ammunition by a firearm authority for the purpose of this clause.

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

Subclause (1) – Makes it an offence to acquire or take possession of prohibited ammunition from an unauthorised person, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

Subclause (2) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess prohibited ammunition by a firearm authority for the purpose of this clause.

**Division 6 — Ammunition components**

**Clause 247. Terms used**

This clause defines certain terms used for the purposes of this Part.

**“component of ammunition”** – Examples of components of a round of ammunition include a cartridge case, primer, propellant and a projectile.

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

This clause makes it an offence to possess any component of ammunition for the purpose of manufacturing ammunition without authority with a penalty three years' imprisonment and a fine of \$36,000.

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

This clause makes it a crime to possess any component of ammunition for the purpose of manufacturing ammunition without authority with a penalty five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

**Clause 250. Unauthorised supply of unassembled components of ammunition**

This clause makes it an offence for an unauthorised person to supply components of ammunition without authority, with a penalty of three years' imprisonment and a fine of \$36,000.

**Clause 251. Unauthorised supply of unassembled components of prohibited ammunition**

This clause makes it a crime for an unauthorised person to supply components of prohibited ammunition without authority, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

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

Subclause (1) – Makes it an offence to give an unauthorised person possession of unassembled ammunition components, with a penalty of three years' imprisonment and a fine of \$36,000.

Subclause (2) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess ammunition by a firearm authority for the purpose of this clause.

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

Subclause (1) – Makes it a crime to give an unauthorised person possession of unassembled prohibited ammunition components, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

Subclause (2) – Provides the regulations can prescribe circumstances in which a

person outside of the State is taken to be authorised to possess prohibited ammunition by a firearm authority for the purpose of this clause.

**Clause 254. Unauthorised possession of unassembled components of ammunition**

This clause makes it an offence to possess the unassembled components of ammunition without authority, with a penalty of three years' imprisonment and a fine of \$36,000.

**Clause 255. Unauthorised possession of unassembled components of prohibited ammunition**

This clause makes it a crime to possess the unassembled components of prohibited ammunition without authority, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

**Division 7 — Prohibited accessories**

**Clause 256. Unauthorised possession, acquisition or supply of prohibited accessories [1973 Act s.23AA, 23AB]**

Subclause (1) – Defines *circumstances of aggravation* for offences in relation to prohibited accessories. These circumstances include:

- (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;

Defines *circumstances of aggravation involving a handgun or prohibited firearm* for offences in relation to prohibited accessories. These circumstances include:

- (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.

Subclause (2) – States that a person must not possess, acquire or supply a prohibited accessory unless authorised by a licence.

Subclause (3) – Makes it a crime to possess, acquire or supply a prohibited accessory without a licence, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

Subclause (4) – Makes it a crime to possess, acquire or supply a prohibited accessory without a firearm authority in circumstances of aggravation, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (5) – Makes it a crime to possess, acquire or supply a prohibited accessory without a firearm authority in circumstances of aggravation involving a handgun or prohibited firearm, with a penalty of ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (6) – Makes it a crime to possess or supply three or more prohibited accessories without a firearm authority, with a penalty of ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

#### **Clause 257. Unauthorised use of firearm fitted with prohibited accessory**

Subsection (1) – Makes it a crime to use a firearm with a prohibited accessory fitted to it with a penalty ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subsection (2) – Makes it a crime to use a handgun or prohibited firearm with a prohibited accessory fitted to it with a penalty 14 years' imprisonment.

#### **Clause 258. Acquiring or taking possession of prohibited accessory from unauthorised person**

Subsection (1) – Makes it a crime to acquire or take possession of a prohibited accessory from an unauthorised person, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

Subsection (2) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess a prohibited accessory by a firearm authority for the purpose of this clause.

#### **Clause 259. Supplying or giving possession of prohibited accessory to unauthorised person**

Subsection (1) – Makes it a crime to supply or give possession of a prohibited accessory to an unauthorised person, with a penalty of five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

Subsection (2) – Provides the regulations can prescribe circumstances in which a person outside of the State is taken to be authorised to possess a prohibited accessory by a firearm authority for the purpose of this clause.

### **Division 8 — Interference with serial numbers**

**Clause 260. Unlawful interference with serial number [1973 Act s.23(5)(a), (d), (da)]**

This clause defines *unlawfully interfere* with a serial number for the purposes of the Division.

**Clause 261. Offence of unlawful interference with serial number**

This clause makes it a crime to interfere with a serial number on a firearm or major firearm part, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Clause 262. Offence of unlawful interference with serial number: handgun or prohibited firearm**

This clause makes it a crime to interfere with a serial number on a handgun or prohibited firearm, or major firearm part of a handgun or a prohibited firearm, with a penalty of ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Clause 263. Offence of possession where serial number unlawfully interfered with [1973 Act s.23(5)(b), (d), (da)]**

This clause makes it a crime to possess a firearm or major firearm part without lawful excuse that has a serial number which has been interfered with. The penalty for this offence is seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person possessing the firearm or major firearm part was the person who unlawfully interfered with the serial number of the firearm or major firearm part.

**Clause 264. Offence of possession where serial number unlawfully interfered with: handgun or prohibited firearm**

This clause makes it a crime to possess a handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, without lawful excuse that has a serial number which has been interfered with. The penalty for this offence is ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person possessing the handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, was the person who unlawfully interfered with the serial number of the item.

**Clause 265. Offence of acquiring firearm or major firearm part where serial number unlawfully interfered with**

This clause makes it a crime to acquire a firearm or major firearm part in contravention of clause 230(1) that has a serial number which has been unlawfully interfered with. The penalty for this offence is seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person acquiring the firearm or major firearm part was the person who unlawfully interfered with the serial number of the firearm or major firearm part.

**Clause 266. Offence of acquiring firearm or major firearm part where serial number unlawfully interfered with: handgun or prohibited firearm**

This clause makes it a crime to acquire a handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, in contravention of clause 230(1) that has a serial number which has been unlawfully interfered with. The penalty for this offence is ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person acquiring the handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, was the person who unlawfully interfered with the serial number of the item.

**Clause 267. Offence of unauthorised supply where serial number unlawfully interfered with [1973 Act s.19(1)(a), (1ac)(c)]**

This clause makes it a crime to supply a firearm or major firearm part in contravention of clause 220(1) that has a serial number which has been unlawfully interfered with. The penalty for this offence is seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person supplying the firearm or major firearm part was the person who unlawfully interfered with the serial number of the firearm or major firearm part.

**Clause 268. Offence of unauthorised supply where serial number unlawfully interfered with: handgun or prohibited firearm [1973 Act s.19(1)(a), (1ac)(c)]**

This clause makes it a crime to supply a handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, in contravention of clause 220(1) that has a serial number which has been unlawfully interfered with. The penalty for this offence is ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person supplying the handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, was the person who unlawfully interfered with the serial number of the item.

**Division 9 — Prohibited alterations**

**Clause 269. Prohibited alteration to firearm or major firearm part**

This clause defines making a *prohibited alteration* to a firearm or major firearm part and what is excluded from its meaning for the purposes of the Division.

**Clause 270. Offence of making prohibited alteration [1973 Act s.23(5)(c), (d), (da)]**

This clause makes it a crime to make a prohibited alteration to a firearm or major firearm part, with a penalty of ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Clause 271. Offence of making prohibited alteration: handgun or prohibited firearm**

This clause makes it a crime to make a prohibited alteration if:

- (a) the firearm is a handgun or prohibited firearm, or the major firearm part is a major firearm part of a handgun or prohibited firearm; or
- (b) the prohibited alteration results in the firearm being a handgun or prohibited firearm, or in the major firearm part being a major firearm part of a handgun or prohibited firearm.

This offence has a penalty of 14 years' imprisonment.

**Clause 272. Offence of possession of firearm or major firearm part with prohibited alteration [1973 Act s.23(5)(c), (d), (da)]**

This clause makes it a crime to possess a firearm or major firearm part without lawful excuse that has been subject to a prohibited alteration. The penalty for this offence is seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person possessing the firearm or major firearm part was the person who made the prohibited alteration to the firearm or major firearm part.

**Clause 273. Offence of possession of firearm or major firearm part with prohibited alteration: handgun or prohibited firearm**

This clause makes it a crime to possess a handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, without lawful excuse that has been subject to a prohibited alteration. The penalty for this offence is ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person possessing the handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, was the person who made the prohibited alteration to the item.

**Clause 274. Offence of acquiring firearm or major firearm part with prohibited alteration**

This clause makes it a crime to acquire a firearm or major firearm part in contravention of clause 230(1) that has been subject to a prohibited alteration. The penalty for this offence is seven years' imprisonment. The summary penalty for this offence is three

years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person acquiring the firearm or major firearm part was the person who made the prohibited alteration to the firearm or major firearm part.

**Clause 275. Offence of acquiring firearm or major firearm part with prohibited alteration: handgun or prohibited firearm**

This clause makes it a crime to acquire a handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, in contravention of clause 230(1) that has been subject to a prohibited alteration. The penalty for this offence is ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person acquiring the handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, was the person who made the prohibited alteration to the item.

**Clause 276. Offence of unauthorised supply of firearm or major firearm part with prohibited alteration [1973 Act s.19(1)(a), (1ac)(d)]**

This clause makes it a crime to supply a firearm or major firearm in contravention of clause 220(1) that has been subject to a prohibited alteration. The penalty for this offence is seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person supplying the firearm or major firearm part was the person who made the prohibited alteration to the firearm or major firearm part.

**Clause 277. Offence of unauthorised supply of firearm or major firearm part with prohibited alteration: handgun or prohibited alteration [1973 Act s.19(1)(a), (1ac)(d)]**

This clause makes it a crime to supply a handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, in contravention of clause 220(1) that has been subject to a prohibited alteration. The penalty for this offence is ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

This crime applies whether or not the person supplying the handgun or prohibited firearm, or major firearm part of a handgun or prohibited firearm, was the person who made the prohibited alteration to the item.

**Division 10 — Trade Licence activities**

**Clause 278. Unauthorised manufacture [1973 Act s.23AC]**

Subclause (1) – Makes it a crime to manufacture a firearm or related thing unless authorised by a firearm authority, with a penalty of 14 years' imprisonment.



It is noted that the only firearm authority that can authorise the manufacture of a firearm, major firearm part or prohibited accessory is a Firearm Manufacture Licence. This licence, as well as some others, may also authorise the manufacture of ammunition.

Manufacturing a firearm is to be taken to include making operable a firearm that has been rendered inoperable.

Subclause (2) – Stipulates that this clause applies to a firearm or related thing even if that thing is not, or could not form part of, a functioning firearm or related thing.

#### **Clause 279. Unauthorised repair [1973 Act s.23AD]**

This clause makes it a crime to repair a firearm or related thing unless authorised by a firearm authority, with a penalty of ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

It is noted that the only firearm authority that can authorise the repair of a firearm or related thing is a Firearm Repair Licence. Under clause 118, some repairs are listed as approved under a licence that authorises possession of a firearm or related thing. In those instances, the licensee is authorised to perform those approved repairs.

#### **Clause 280. Unauthorised destruction of firearm, major firearm part or prohibited accessory**

This clause makes it a crime to destroy a firearm, major firearm part or prohibited accessory, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

#### **Clause 281. Participating in unauthorised firearm activities [1973 Act s.23AF]**

Subclause (1) – Defines certain terms used for the purposes of this Part.

Subclause (2) – Makes it a crime to participate in an unauthorised manufacturing activity or unauthorised supply activity, with a penalty of 14 years' imprisonment.

Subclause (3) – Makes it a crime to participate in an unauthorised repair activity, with a penalty of 10 years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (4) – Sets out what constitutes a person participating in an activity for the purposes of this clause.

### **Division 11 — Firearm technology**

#### **Clause 282. Terms used [1973 Act s.23AG]**

This clause defines certain terms used for the purposes of this Division.

Firearm technology needs to be programmed, configured or otherwise enabled to manufacture or repair a firearm or related thing, or a component thereof. A 3D printer can be programmed to manufacture or repair firearms, but mere possession of a 3D

printer does not result in a contravention of the Bill. There has to be reasonable evidence that the 3D printer has been programmed to manufacture or repair a firearm. This could be achieved by having schematics or any similar template/plan that can reasonably lead to the belief that there is intent to manufacture or repair a firearm through that 3D printer.

**Clause 283. Unauthorised possession of firearm technology [1973 Act s.23AH]**

This clause makes it a crime to possess firearm technology unless authorised by a firearm authority or the person possesses the firearm technology for a lawful purpose. The penalty for this offence is 10 years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Clause 284. Unauthorised creation or development of firearm technology [1973 Act s.23AI]**

This clause makes it a crime to create or develop firearm technology unless authorised by a firearm authority or the person does so for a lawful purpose. The penalty for this offence is 10 years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Creation and development are taken to include the ordinary interpretation of the words, that is, making, producing, building, assembling, programming, designing firearm technology.

**Clause 285. Unauthorised dissemination of firearm technology [1973 Act s.23AJ]**

This clause makes it a crime to disseminate firearm technology unless authorised by a firearm authority or the person does so for a lawful purpose. The penalty for this offence is 10 years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Dissemination is taken to include the ordinary interpretation of the word, that is, circulating, spreading and providing another person or persons with firearm technology.

**Division 12 — Offences of lesser seriousness**

**Clause 286. Offence committed during licence renewal period [1973 Act s.19AA(1)]**

Subclause (1) – Provides, should a person commit an offence under Part 5 but that offence was committed under extenuating circumstances as defined by 288(2), that offence is not taken to be a crime. Rather, that offence is triable summarily with a fine of \$2,000 instead of the penalty that would otherwise apply for the relevant offence.

Subclause (2) – Sets out extenuating circumstances for an offence under Part 5. These circumstances include if the offence is committed after the person's Individual Licence or Collector Licence has expired but during the renewal period provided for by 288(3); and would not have been an offence if the licence had been renewed immediately after its expiry.

Subclause (3) – Provides the renewal period for a licence begins when the licence expires and ends three months after the licence unless an application for renewal is made within that three months. If an application for renewal of the licence is made within three months of it expiring, the renewal period end when that application is determined or disposed of.

**Clause 287. Offence involving prescribed paintball gun [1973 Act s.19AA(2)]**

This clause provides, should a person commit an offence under Part 5 but the only firearm or related thing concerned in that offence is for a prescribed paintball gun, that offence is not taken to be a crime. Rather, that offence is triable summarily with a fine of \$5,000 instead of the penalty that would otherwise apply for the relevant offence.

## **Part 6 — Other offences**

### **Division 1 — Firearm use by autonomous or remote control**

#### **Clause 288. Term used**

This clause defines the term *remote use device* for a firearm.

Without limiting what may be considered a remote use device for a firearm, examples may include a drone or trip alarm made or modified for a firearm by means of autonomous or remote control. This will include any future developments in technology where artificial intelligence may be capable of using a firearm remotely and/or autonomously. The person with control over the deployment of the artificial intelligence in relation to firearms will be taken to be using the firearm. This definition applied whether or not a firearm is part of, attached to, or with the device.

#### **Clause 289. Offence of possessing remote use device**

This clause makes it a crime to possess a remote use device for a firearm, with a penalty of ten years' imprisonment.

#### **Clause 290. Offence of using remote firearm use device**

This clause makes it a crime to use a remote use device for a firearm to cause a firearm to be pointed at a person or fired, with a penalty of 14 years' imprisonment.

#### **Clause 291. Offence of manufacturing remote use device**

This clause makes it a crime to manufacture a remote use device for a firearm, with a penalty of ten years' imprisonment.

#### **Clause 292. Regulations: exceptions to offence under Division**

This clause provides the regulations may make exceptions to an offence under this Division.

### **Division 2 — General offences**

#### **Clause 293. Pointing a firearm at another person [1973 Act s.23(8), (8a)]**

Subclause (1) – Makes it a crime to point a firearm at another person without lawful excuse, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (2) – Makes it a crime to point a handgun or prohibited firearm at another person without lawful excuse, with a penalty of ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (3) – Stipulates that 295(1) does not apply to a person pointing a prescribed paintball gun at another person during the course of a game of paintball.

**Clause 294. Use of firearm that causes danger or fear [1973 Act s.23(9A)]**

Subclause (1) – Makes it a crime to fire a firearm that causes danger or fear to the public or any person, with a penalty of ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (2) – Makes it a crime to fire a handgun or prohibited firearm that causes danger or fear to the public or any person, with a penalty of 14 years' imprisonment.

**Clause 295. Giving possession of firearm or related thing to unsuitable person [1973 Act s.12(1)]**

Subclause (1) – Defines the term *unsuitable person*.

Subclause (2) – Makes it a crime to give possession of a firearm to another person if the person who gives possession of the firearm knows, or reasonably ought to know, that the person taking possession of the firearm is an unsuitable person. The penalty for this offence is seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (3) – Makes it a crime to give possession of a handgun or prohibited firearm to another person if the person who gives possession of the item knows, or reasonably ought to know, that the person taking possession of the item is an unsuitable person. The penalty for this offence is ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (4) – Makes it a crime to give possession of a loaded firearm to another person if the person who gives possession of the loaded firearm knows, or reasonably ought to know, that the person taking possession of the loaded firearm is an unsuitable person. The penalty for this offence is ten years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Subclause (5) – Makes it a crime to give possession of a loaded handgun or prohibited firearm to another person if the person who gives possession of the loaded item knows, or reasonably ought to know, that the person taking possession of the loaded item is an unsuitable person. The penalty for this offence is 14 years' imprisonment.

Subclause (6) – Makes it a crime to give possession of a major firearm part or ammunition to another person if the person who gives possession of the item knows, or reasonably ought to know, that the person taking possession of the item is an unsuitable person. The penalty for this offence is five years' imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

Subclause (7) – Stipulates a reference in this clause to giving possession of a firearm or related thing to a person includes permitting a person to take, or be in, possession of that thing.

**Clause 296. Use or possession of firearm while intoxicated [1973 Act s.23(2)]**

Subclause (1) – Makes it a crime to have immediate possession of a firearm while affected by alcohol or drugs, or alcohol and drugs, with a penalty of five years'

imprisonment and a fine of \$60,000. The summary penalty for this offence is two years' imprisonment and a fine of \$24,000.

Subclause (2) – Makes it a crime to use a firearm while affected by alcohol or drugs, or alcohol and drugs, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

Use of a firearm includes immediate possession of a firearm when it is loaded, as per clause 7.

Subclause (3) – Makes it a crime to use a handgun or prohibited firearm while affected by alcohol or drugs, or alcohol and drugs, with a penalty of 14 years' imprisonment.

Use of a firearm includes immediate possession of a firearm when it is loaded, as per clause 7.

Subclause (4) – Stipulates that an offence under this clause is a crime.

**Clause 297. Shooting onto, from or across road or public place [1973 Act s.23(9)(c)]**

Subclause (1) – Defines the term **public place** as in the *Criminal Code* section 1(1).

Subclause (2) – Makes it a crime to fire a firearm, or any projectile from a firearm, onto, from or across any road or public place, with a penalty of seven years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Clause 298. Using or carrying a firearm while trespassing [1973 Act s.23(10), (10a), (11A)]**

Subclause (1) – Makes it an offence to use a firearm on land belonging to another person without the express consent of an authorised person for the land without lawful excuse, with a penalty of three years' imprisonment and a fine of \$36,000.

Subclause (2) – Makes it a crime to carry a firearm onto or across land, other than a road open to the public, that is used for, or in connection with, primary production without the express consent of an authorised person for the land without lawful excuse, with a penalty of two years' imprisonment and a fine of \$24,000.

Subclause (3) – Stipulates that carrying or using a firearm for the purposes of an authorised activity under the *Biodiversity Conservation Act 2016* does not constitute a lawful excuse for the purposes of this clause. It is noted that, under the regulations made under the *Biodiversity Conservation Act 2016*, a person who has lawful authority to take fauna under that Act requires the written permission of the owner or occupier of that land. Such written permission would constitute express consent for the purposes of subclauses (1) and (2).

## **Part 7 — Security and storage**

### **Clause 299. Terms used**

Defines certain terms used for the purposes of this Part.

### **Clause 300. Approval of storage places by Commissioner**

This clause provides the Commissioner may approve a place as an approved storage place for a firearm or related thing and may do so without application for that approval.

### **Clause 301. Firearm or related thing in use**

This clause sets out, for the purposes of Part 7, when a firearm or related thing is to be taken to be in use. This is to include when it is:

- (a) being used;
- (b) readied to be used; or
- (c) in a person's immediate possession for use (it is intended this is taken to mean in a person's immediate possession for *immediate* use).

For the purposes of this Part, this clause is intended to be taken to mean use of the firearm or related thing only as authorised by the relevant firearm authority.

### **Clause 302. Firearm or related thing in transit**

This clause provides, for the purposes of Part 7, a firearm or related thing is to be taken to be in transit whenever it is not being stored in an approved storage place. This is intended to capture any time the thing is removed from its approved permanent storage place, with the security requirements under clauses 305 and 306 intended to be used at these times in place of compliant storage in addition to safekeeping requirements per clause 303.

### **Clause 303. General duty of safekeeping of firearms and related things [1973 Act s.23(9)(a)]**

Subclause (1) – Requires a person in possession of a firearm or related thing to take all reasonable precautions to ensure its safekeeping (safeguarding a firearm and related thing from loss, theft and unauthorised possession and use) and comply with any regulatory requirements in relation to the safekeeping of the things.

Contravention of this clause is an offence, with a penalty of:

- (a) a \$5,000 fine for a first offence; or
- (b) 12 months' imprisonment and a fine of \$12,000 for a second or subsequent offence.

Subclause (2) – Provides storing a firearm or relating thing in compliant storage is to be taken as complying with subclause (1) in relation to the requirement to take all

reasonable precautions to ensure the safekeeping of a firearm or related thing in a person's possession.

#### **Clause 304. Storage in compliant storage**

Subclause (1) – Requires a person in possession of a firearm or related thing to store the firearm or related thing in compliant storage at all times except when:

- (a) the firearm or related thing is in use (as per clause 301);
- (b) the firearm or related thing is in transit (as per clause 302); or
- (c) the firearm or related thing is in a person's immediate possession while undergoing maintenance.

This clause makes contravention of this clause an offence, with a penalty of:

- (a) a \$5,000 fine for a first offence; or
- (b) 12 months' imprisonment and a fine of \$12,000 for a second or subsequent offence.

Subclause (2) – Defines the term ***maintenance*** used for the purposes of 306(1)(c). ***Maintenance*** is taken to include:

- (a) care, cleaning and adjustment;
- (b) removal or installation of an accessory;
- (c) the making of an approved repair or approved alteration as per clause 118.

Subclause (3) – Provides a Trade Licensee in possession of a firearm or related thing under that licence is not required to store that licenced firearm or related thing in compliant storage when in the immediate possession of a person with an authority under the licence.

Subclause (4) – Provides a Collector Licensee in possession of a firearm or related thing under that licence is not required to store that licenced firearm or related thing when it is in a person's immediate possession while being examined or studied for the genuine purpose of the collection concerned.

Subclause (5) – Provides the Commissioner can approve a place as an approved storage place without an application for that approval.

#### **Clause 305. Security arrangements for firearms and related things in transit**

Subclause (1) – Sets out the requirements for when a firearm or related thing is in transit and not in use.

Makes failures to adhere to security arrangements for firearms and related things in transit an offence, with a penalty of:

- (a) a \$5,000 fine for a first offence; or



- (b) 12 months' imprisonment and a fine of \$12,000 for a second or subsequent offence.

Subclause (2) – Disapplies this clause to a person in possession of a firearm or related thing while engaged in the commercial transport of the things as per clause 313 or the commercial warehousing of the things as per clause 314. The commercial transport and commercial warehousing of firearms are subject to their own requirements under clauses 313 and 314 respectively.

**Clause 306. Security arrangements for firearms and related things in transit in vehicle**

Subclause (1) – Sets out the requirements for when a firearm or related thing is in transit in a vehicle and not in use. These requirements are in addition to those detailed in clause 305(1).

Makes failures to adhere to security arrangements for firearms and related things in transit in vehicle an offence, with a penalty of:

- (a) a \$5,000 fine for a first offence; or
- (b) 12 months' imprisonment and a fine of \$12,000 for a second or subsequent offence.

Subclause (2) – Disapplies this clause to a person in possession of a firearm or related thing while engaged in the commercial transport of the things as per clause 313 or the commercial warehousing of the things as per clause 314. The commercial transport and commercial warehousing of firearms are subject to their own requirements under clauses 313 and 314 respectively.

**Clause 307. Licensee has obligations of person in possession**

This clause provides a firearm or related thing to which a licence applies is taken to be in possession of the licensee when it is not in the possession of another person for the purposes of Part 7.

*Example:* A firearm is licensed to Person A. Person A gives their firearm to a Trade Licensee for a repair. As the possession of the firearm has gone from Person A to the Trade Licensee, the Trade Licensee is taken to be in possession of the firearm and is now responsible for complying with the relevant storage, security and safekeeping requirements of that firearm.

The firearm licensed to Person A is in compliant storage at Person A's house. As the firearm is not in the possession of any other person, the firearm is taken to be in the possession of Person A at this time and Person A is responsible for complying with the relevant storage, security and safekeeping requirements of that firearm.

**Clause 308. 2 or more persons are in possession**

This clause specifies when two or more persons are in possession of a firearm or

related thing, the person most recently in immediate possession of the thing is responsible for the relevant storage, security and safekeeping requirements of the thing under Part 7.

*Example:* A firearm is licensed to both Person A and Person B, therefore both persons can be considered to be in possession of the firearm. However, Person A most recently had the firearm in their immediate possession to clean it. Because Person A was most recently in the immediate possession of the firearm, Person A, not Person B, is taken to be responsible for the storage, security and safekeeping requirements of the firearm at this time.

### **Clause 309. Shared compliant storage**

Subclause (1) – Defines the term *shared compliant storage*.

Subclause (2) – Specifies a person in lawful possession of a firearm or related thing in shared compliant storage is not taken to be in possession of another firearm or related thing in that same shared compliant storage if:

- (a) the person's possession of the other firearm or related thing would be unlawful; and
- (b) the other firearm or related thing is in the lawful possession of another person.

*Example:* Person A and Person B live together. Person A is licensed for a single Category A firearm for Hunting. Person B is licensed for a single Category B firearm for Competition. They both use the same shared compliant storage in their home.

Under clause 311, as Person A is only licensed for a Category A firearm, they cannot lawfully possess Person B's Category B firearm. The Category B firearm in the shared compliant storage is also in the lawful possession of Person B. As such, under this clause, Person A is not taken to be in possession Person B's firearm despite storing their own firearm in the same place. Person B is also not taken to be in possession of Person A's Category A firearm.

Subclause (3) – Provides the regulations can make provisions in relation to the shared storage of firearms and related things.

### **Clause 310. Regulations: storage**

Subclause (1) – Provides the regulations can make provisions in relation to the storage of firearms and related things.

Subclause (2) – Provides the regulations can prescribe circumstances in which a firearm or related thing is not required to be stored in compliant storage.

### **Clause 311. Inspection of storage facilities**

This clause requires a person who holds a firearm authority to permit a police officer,

at a reasonable time, to inspect any facilities used, or proposed to be used, by that person for the storage of an authorised firearm or related thing. The intent is to prevent the unreasonable obstruction of access to firearm storage facilities for inspection to a police officer. The firearm authority holder must allow for reasonable access to storage facilities, and contravention to this clause may also result into the suspension or cancellation of a firearm authority, in addition to the below penalty.

This clause makes contravention of this clause an offence, with a penalty of:

- (a) a \$5,000 fine for a first offence; or
- (b) 12 months' imprisonment and a fine of \$12,000 for a second or subsequent offence.

**Clause 312. Grounds for refusal or cancellation of firearm authority — storage arrangements and facilities [1973 Act s.11(7)(b), (c)]**

This clause provides the Commissioner can refuse the grant of a licence or permit, or cancel a licence or permit authorising the possession of a firearm or related thing if:

- (a) the Commissioner is not satisfied that arrangements or facilities for storage of the firearm or related thing are adequate to enable the firearm or related thing to be stored in compliance with section 306; or
- (b) the applicant for, or holder of, the firearm authority has failed to comply with a request by the Commissioner to provide a statement in the approved form as to arrangements or facilities for storage of the firearm or related thing; or
- (c) the applicant for, or holder of, the firearm authority has refused to permit a police officer to inspect, at a reasonable time, facilities for storage of the firearm or related thing.

**Clause 313. Commercial transport of firearms and related things**

Subclause (1) – Defines certain terms used for the purposes of this clause.

Subclause (2) – Requires a person who engages in a commercial transport activity to do so in compliance with regulations made under this clause. Makes contravention of this clause an offence, with a penalty of:

- (a) a \$5,000 fine for a first offence; or
- (b) 12 months' imprisonment and a fine of \$12,000 for a second or subsequent offence.

Subclause (3) – Provides the regulations can make provisions in relation to commercial transport activity requirements.

Subclause (4) – Provides, for the purposes of the transport of firearms and related things in the ordinary course of the business of a commercial carrier, the commercial carrier is taken to hold a licence that authorises that carrier and any employee of that carrier to possess that thing.

### **Clause 314. Commercial warehousing of firearms and related things**

Subclause (1) – Defines certain terms used for the purposes of this clause.

Subclause (2) – Requires a person who engages in commercial firearm warehousing to do so in compliance with regulations made under this clause. Makes contravention of this clause an offence, with a penalty of:

(a) a \$5,000 fine for a first offence; or

(b) 12 months' imprisonment and a fine of \$12,000 for a second or subsequent offence.

Subclause (3) – Provides the regulations can make provisions in relation to commercial firearm warehousing requirements.

Subclause (4) – Provides, for the purposes of the commercial warehousing of firearms and related things in the ordinary course of the business of a commercial warehouse operator, the commercial warehouse operator is taken to hold a licence that authorises that operator and any employee of that operator to possess that thing.

## **Part 8 — Firearms prohibition orders**

### **Division 1 — Making of firearms prohibition order**

#### **Clause 315. Commissioner may make firearms prohibition order [1973 Act s.29A]**

Subclause (1) – Sets out the circumstances in which the Commissioner can make a firearms prohibition order against a person. These include if the Commissioner is satisfied:

- (a) the person is not a fit and proper person to hold a firearm authority; or
- (b) possession of a firearm by the person would likely result in unlawful use of the firearm by the person or another person; or
- (c) the person is a member of a disqualifying organisation; or
- (d) it is otherwise in the public interest to make a firearms prohibition order against the person.

Subclause (2) – Allows the Commissioner to have regard to any intelligence report or other information held by the Commissioner when determining whether to make a firearm prohibition order against a person. This does not limit the matters to which the Commissioner can have regard in making this determination.

Subclause (3) – Provides a firearms prohibition order can be made against any person, whether or not that person:

- (a) holds or has held a firearm authority; or
- (b) has had a firearm authority revoked or not renewed; or
- (c) is exempt from the operation of any provision of this Act as per clause 17; or
- (d) was the subject of a previous firearms prohibition order that has expired or been revoked.

Subclause (4) – Provides Part 4 Division 2 applies for the purposes of a decision by the Commissioner under this clause that a person is not a fit and proper person to hold a firearm authority.

Subclause (5) – Provides the Commissioner is not required under the Bill, or any other Act or written law, to disclose an intelligence report or other intelligence information on which the Commissioner has relied upon unless the disclosure is required under the *State Administrative Tribunal Act 2004*.

#### **Clause 316. Form and content of firearms prohibition order [1973 Act s.29B]**

Subclause (1) – Requires a firearms prohibition order be in the approved form.

Subclause (2) – Requires a firearms prohibition order to specify:

- (a) the name and date of birth of the person against whom the order is made;
- (b) the date on which the order is made;
- (c) the provision of this Act that authorises the making of the order;
- (d) that the order remains in effect for a period of 10 years beginning on the day on which the order is served, unless revoked sooner;
- (e) the effect of the order, including the conduct prohibited by the order and the powers for enforcing the order under Part 8;
- (f) that if the person against whom the order is made changes their address, the person must notify the Commissioner within 7 days of that change;
- (g) that the person against whom the order is made can apply to the State Administrative Tribunal under the Bill for a review of the decision to make the order;
- (h) any other particular prescribed by the regulations.

**Clause 317. Register of firearms prohibition orders**

Subclause (1) – Requires the Commissioner to maintain a register of firearms prohibition orders made and served under the Bill containing information the Commissioner thinks appropriate.

Subclause (2) – Provides information in the Firearms Prohibition Order Register can be provided to an approved person in an approved manner. Allows the Commissioner to give access to the Firearms Prohibition Order Register to such persons as the Commissioner thinks require knowledge of who is a prohibited person (e.g., Trade, Club or Range Licensees to adhere to the conditions of their licence).

**Division 2 — Service of firearms prohibition order**

**Clause 318. Manner of service [1973 Act s.29C]**

Subclause (1) – Requires the Commissioner to ensure a firearms prohibition order is served on the person subject to the order in accordance with subclause (2).

Subclause (2) – Sets out the way in which a police officer must serve a firearms prohibition order. This includes that a police officer must:

- (a) hand the order to the person; or
- (b) leave it near the person and orally draw the person’s attention to it if the person refuses to accept the order.

**Clause 319. Powers to request particulars and detain for purposes of service [1973 Act s.29D]**

Subclause (1) – Sets out what powers a police officer has if they reasonably suspect

that someone is a person on whom a firearms prohibition order needs to be served.

Subclause (2) – Provides police have the power to direct a person to produce evidence of the correctness of a personal detail if a police officer reasonably suspects that personal detail given by the person in response to a direction under subclause (1) is false.

Subclause (3) – Sets out what powers a police officer has if a person fails to comply with a direction under subclauses (1)-(2).

Subclause (4) – Specifies a person who is not under arrest and is directed to remain, detained, accompanying a police officer to, or being taken by a police officer, to a place under this clause is taken to be to be in lawful custody of the police.

Subclause (5) – Requires the police officer who takes a person, or is accompanied by that person, to a place under a direction of this clause to take the person back to the place the direction was made or a nearby place unless the person requests otherwise, or it is not reasonably practicable.

**Clause 320. Offence of failing to comply with directions for service [1973 Act s.29E]**

Subclause (1) – Makes it an offence to fail to comply with a police direction under clause 319(1)-(2) without lawful excuse, with a penalty of 12 months' imprisonment and a fine of \$12,000.

Subclause (2) – Makes it an offence to provide police any personal detail that is false or misleading in a material particular when directed by police under clause 319(1)(b) to provide personal details without lawful excuse. The penalty for this offence is 12 months' imprisonment and a fine of \$12,000.

Subclause (3) – Makes it an offence to fail to comply with direction or produce false or misleading evidence when directed by police under clause 319(2) to produce evidence of the correctness of a personal detail without lawful excuse. The penalty for this offence is 12 months' imprisonment and a fine of \$12,000.

**Clause 321. Proof of service [1973 Act s.29F]**

Subclause (2) – Requires a police officer who serves a firearms prohibition order to complete a certificate of service as soon as practicable after serving the order.

Subclause (2) – Requires the proof of service certificate state the day, place and time that the person was served with the firearms prohibition order in accordance with clause 320(2).

Subclause (3) – Specifies the certificate must state the full name of the person served.

Subclause (4) – Provides for a certificate under this clause to be sufficient proof that the firearms prohibition order has been served, unless the contrary is shown.

### **Division 3 — Commencement, duration and effect of firearms prohibition order**

#### **Clause 322. Commencement [1973 Act s.29G(1)]**

This clause provides a firearms prohibition order comes into effect when it is served on the person against whom it is made in accordance with clause 318(2).

#### **Clause 323. Duration [1973 Act s.29G(2), (3)]**

Subclause (1) – Provides that a firearms prohibition order remains for a period of 10 years unless sooner revoked by the Commissioner, beginning on the day in which it takes effect as per clause 322.

Subclause (2) – Allows the Commissioner to revoke a firearms prohibition order at any time for any, or no, reason.

#### **Clause 324. Effect of firearms prohibition order when served [1973 Act s.29H]**

Subclause (1) – Provides, when a firearms prohibition order is in force, any firearm authority held by the person subject to the order is immediately cancelled.

Subclause (2) – Provides the regulations may make provision for the reinstatement of a firearm authority under subclause (1) or to deal with:

- (a) the consequences of the setting aside or quashing, by the State Administrative Tribunal or a court, of a decision of the Commissioner to make a firearms prohibition order; or
- (b) the revocation of a firearms prohibition order.

### **Division 4 — Offences relating to firearms prohibition orders**

#### **Clause 325. Requirement to surrender firearms and other things [1973 Act s.29I]**

Subclause (1) – Requires a person served with a firearms prohibition order to immediately surrender any firearm authority licence card, firearm or related thing, or firearm technology to the police officer who served the order.

Subclause (2) – Makes it a crime to fail to immediately surrender a licence card in contravention of subclause (1), with a penalty of five years' imprisonment and a fine of \$60,000.

Subclause (3) – Makes it a crime to fail to surrender the following in contravention of subclause (1):

- (a) a firearm (other than a handgun or prohibited firearm);
- (b) a major firearm part (other than a major firearm part of a handgun or prohibited firearm);
- (c) ammunition;
- (d) firearm technology.



The penalty for this crime is seven years' imprisonment.

Subclause (4) – Makes it a crime to fail to surrender the following in contravention of subclause (1):

- (a) a handgun;
- (b) a prohibited firearm;
- (c) a major firearm part of a handgun or prohibited firearm;
- (d) a prohibited accessory.

The penalty for this crime is 14 years' imprisonment.

Subclause (5) – Provides the circumstances in which a person does not commit an offence under this clause if they fail to immediately surrender a thing if:

- (a) the thing is not in the person's immediate possession; and
- (b) the person immediately provides the police officer who served the firearms prohibition order with the information and assistance necessary to enable a police officer to immediately locate and access the thing for the purpose of seizing it.

**Clause 326. Prohibition against acquiring, supplying, possessing or using firearms and related things [1973 Act s.29J]**

Subclause (1) – Makes it a crime for a prohibited person to acquire, supply, be in possession of, or use:

- (a) a firearm (other than a handgun or prohibited firearm);
- (b) a major firearm part (other than a major firearm part of a handgun or prohibited firearm);
- (c) ammunition.

The penalty for this crime is seven years' imprisonment.

Subclause (2) – Makes it a crime for a prohibited person to acquire, supply, be in possession of, or use:

- (a) a handgun;
- (b) a prohibited firearm;
- (c) a major firearm part of a handgun or prohibited firearm;
- (d) a prohibited accessory.

The penalty for this crime is 14 years' imprisonment.

Subclause (3) – Provides the circumstances in which a person does not commit an offence under this clause if they fail to immediately surrender a thing if:

- (a) the thing is not in the person's immediate possession; and
- (b) the person immediately provides the police officer who served the firearms prohibition order with the information and assistance necessary to enable a police officer to immediately locate and access the thing for the purpose of seizing it.

**Clause 327. Prohibition against entering, or remaining or residing at, certain places [1973 Act s.29K]**

Subclause (1) – Defines certain terms used for the purposes of this clause.

Subclause (2) – Makes it a crime for a prohibited person to enter or remain at:

- (a) a place where a firearm, major firearm part, prohibited accessory or ammunition is sold, repaired or manufactured; or
- (b) a licensed range; or
- (c) the premises of a shooting club that holds a Club Licence; or
- (d) the premises of an approved society of firearm collectors (being a body corporate approved under clause 70(1) as an approved society of firearm collectors); or
- (e) a place used for the conduct of games of paintball under the authority of a Paintball Business Licence; or
- (f) firearm trade premises; or
- (g) a place that is set aside predominantly for activities involving firearms.

The penalty for this crime is 10 years' imprisonment.

Subclause (3) – Makes it a crime for a prohibited person to reside at a firearm trade premises, with a penalty of 10 years' imprisonment.

Subclause (4) – Makes it an offence for a prohibited person to reside at a residence other than a firearm trade premises where a firearm or related thing is stored, with a penalty of five years' imprisonment and a fine of \$60,000.

Subclause (5) – Makes it an offence for a prohibited person to enter or remain at a residence other than a firearm trade premises where a firearm or related thing is stored, with a penalty of 12 months' imprisonment and a fine of \$12,000.

Subclause (6) – Provides a defence to a charge for an offence under 327(4) and 327(5) if the accused satisfies the court that the accused did not know, and could not reasonably be expected to have known, that a firearm or related thing was stored at the residence concerned.

**Clause 328. Prohibition against associating with persons in possession of firearms and other things [1973 Act s.29L]**

Subclause (1) – Makes it a crime for a prohibited person to be in company with a person who has immediate possession of:

- (a) a firearm (other than a handgun or prohibited firearm);
- (b) a major firearm part (other than a major firearm part of a handgun or prohibited firearm);
- (c) ammunition.

The penalty for this crime is seven years' imprisonment.

Subclause (2) – Makes it a crime for a prohibited person to be in company with a person who has immediate possession of:

- (a) a handgun;
- (b) a prohibited firearm;
- (c) a major firearm part of a handgun or prohibited firearm;
- (d) a prohibited accessory,

The penalty for this crime is 14 years' imprisonment.

Subclause (3) – Provides a defence to a charge for an offence under this clause if the accused satisfies the court that the accused did not know, and could not reasonably be expected to have known, that a firearm or related thing was in the possession of the person concerned.

**Clause 329. Prohibition against giving possession of firearms and other things to prohibited persons [1973 Act s.29M]**

Subclause (1) – Makes it a crime for a person to give possession of the following to a prohibited person:

- (a) a firearm (other than a handgun or prohibited firearm);
- (b) a major firearm part (other than a major firearm part of a handgun or prohibited firearm);
- (c) ammunition;

The penalty for this crime is seven years' imprisonment.

Subclause (2) – Makes it a crime for a person to give possession of the following to a prohibited person:

- (a) a handgun;

- (b) a prohibited firearm;
- (c) a major firearm part of a handgun or prohibited firearm;
- (d) a prohibited accessory.

The penalty for this crime is 14 years' imprisonment.

Subclause (3) – Specifies a reference to giving possession of a thing to a person in this clause is to be taken to include permitting a person to take possession of, or be in possession of, the thing.

Subclause (4) – Provides a defence to a prosecution for an offence under this clause if the accused satisfies the court that the accused did not know, and could not reasonably be expected to have known, that the person to whom they gave possession of a firearm or related thing was a prohibited person.

**Clause 330. Prohibited person to notify change of address [1973 Act s.29N]**

Makes it an offence for a prohibited person to fail to notify the Commissioner of a change of address in the approved manner within seven days of the change occurring, with a penalty of a fine of \$5,000.

**Clause 331. Recognition of firearms prohibition orders of other jurisdictions [1973 Act s.29O]**

Subclause (1) – Defines *corresponding firearms prohibition order* used for the purposes of this clause.

Subclause (2) – Provides a person subject to a corresponding firearms prohibition order is to be taken as a prohibited person under the Bill and, as such, the Bill and the corresponding firearms prohibition order can be enforced in Western Australia.

## **Part 9 — Review of decisions**

### **Clause 332. Terms used**

This clause defines certain terms used for the purposes of this Part.

### **Clause 333. Review of decisions by Tribunal**

This clause provides a person who disagrees with a decision made by the Commissioner under the Bill can apply to the State Administrative Tribunal for a review of that decision.

### **Clause 334. Hearsay evidence in review proceedings**

This clause provides evidence given by a police officer of a representation about a matter relevant to proceedings during State Administrative Tribunal proceedings is to be taken as admissible evidence. This applies despite the rule against hearsay, any rules of evidence, or any practices or procedures applicable to courts of record, adopted by the Tribunal or applied by the regulations or rules under the *State Administrative Tribunal Act 2004*.

The State Administrative Tribunal has the power to give as much weight to evidence under this clause as it deems appropriate.

### **Clause 335. Notifying Tribunal of exempt material**

Subclause (1) – Requires the Commissioner to notify the State Administrative Tribunal if, in a proceeding for the review of a decision, the Commissioner is of the opinion that any supporting material for that decision is, or contains, matter considered exempt material under Schedule 1 clause 5 of the *Freedom of Information Act 1992*.

It is intended under this clause that the Commissioner has the power to determine what material is exempt under the *Freedom of Information Act 1992* (also referred to under the *Freedom of Information Act 1992* as **exempt matter**).

Subclause (2) – Requires the Commissioner to notify the State Administrative Tribunal of the opinion that supporting material for a decision is, or contains, exempt material at the time the Commissioner provides the material for the decision to the State Administrative Tribunal and sufficiently identify the notified exempt material.

Subclause (3) – Sets out requirements for handling notified exempt material within State Administrative Tribunal proceedings.

### **Clause 336. Decisions about firearms prohibition orders**

This clause sets out how the State Administrative Tribunal must handle firearm prohibition order decision proceedings.

### **Clause 337. Appeals and references to Supreme Court under SAT Act**

Subclause (1) – Defines the term **Supreme Court proceedings** used for the purposes of this clause.

Subclause (2) – Sets out the obligations of the court dealing with a Supreme Court proceeding if the court considers notified exempt material provided under the *State Administrative Tribunal Act 2004* for the purpose of the proceeding cannot properly be considered to be protected matter for the purposes of the *State Administrative Tribunal Act 2004* section 94(5)(a).

## **Part 10 — Amnesty for surrender of firearms and related things**

### **Clause 338. Terms used [1973 Act s.33A]**

This clause defines certain terms used for the purposes of this Part.

**“responsible person”** – for the purposes of Part 10, refers specifically **responsible person** for an **approved location** for the surrender of firearms and related things. This term is different to a **responsible person** for a licence per clause 5.

### **Clause 339. Surrender of firearms and related things [1973 Act s.33(1)]**

This clause sets out where, and to whom, a person may surrender firearms and related things for an approved surrender. This includes a police officer at a police station and an approved person at an approved location as defined in clause 342.

### **Clause 340. Amnesty [1973 Act s.23(7B), 33B]**

Subclauses (1) and (3) – Provide a person who surrenders a firearm or related things in an approved manner cannot be subject to a possession related offence under Part 5 in relation to the thing surrendered.

Subclause (2) – Specifies that a person who surrenders a firearm or related thing, even if done so in the approved manner, may still be liable for any other offence (besides possession) committed by the person involving the surrendered thing prior to that thing being surrendered.

Subclauses (4) and (5) – Provide a police officer or approved person who receives possession of a surrendered firearm or related thing in an approved manner cannot be subject to a possession related offence under Part 5 in relation to the thing surrendered.

### **Clause 341. Licensing, sale and disposal of surrendered firearms and related things [1973 Act s.33C]**

Subclause (1) – Provides a person who surrenders a firearm or related thing will be able to make an application under the Bill for the necessary firearm authority to authorise the possession of that thing within 14 days of surrender.

Subclause (2) – Allows the Commissioner to deal with the surrendered things under clause 367 (dealing with firearms and related things surrendered under amnesty) if an application under subclause (1) is not made in the 14-day period.

Subclause (3) – Sets out an application under subclause (1) is not successful if the application is refused and any reviews and appeals against the refusal of the application have been determined or disposed of.

Subclause (4) – Stipulates a person cannot make an application under this clause to authorise the possession of a prohibited accessory.

**Clause 342. Approval of surrender locations and personnel [1973 Act s.33A(2), (3)]**

Subclause (1) – Provides the Commissioner can approve any relevant Trade Licence premises as an approved location for the surrender of firearms and related things.

Subclause (2) – Sets out approved personnel requirements for each approved surrender location.

Subclause (3) – Requires that a person be the holder of, or an approved person under, a Trade Licence in order to be an approved person for the surrender of firearms and related things.

Subclause (4) – Sets out what details must be included in the Commissioner's approval of an approved surrender location.

Subclause (5) – Provides the Commissioner can revoke or amend an approval of surrender locations and personnel under this clause at any time.

**Clause 343. Requirements for things surrendered [1973 Act s.33A(3)(d)-(f), (4)]**

Subclause (1) – Sets out the requirements the Commissioner must determine for an approved surrender location of in relation to the approved manner of surrender of firearms and related things.

Subclause (2) – Requires the Commissioner to notify the surrender compliance requirements for an approved location as per subclause (1) to the responsible person for the approved location.

Subclause (3) – Requires Trade Licensees to adhere to surrender compliance requirements as communicated to them by the Commissioner as a condition of their licence. This means failure to adhere to surrender compliance requirements is to be taken as failure to comply with the conditions of a firearm authority under clause 188.



## **Part 11 — Enforcement**

### **Division 1 — Police powers to seize firearms and related things**

#### **Clause 344. Power to seize in certain circumstances**

Subclause (1) – Sets out the circumstances in which a police officer can seize a firearm or related thing in the possession of a person under this Division, including:

- (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.

This clause intends to empower police to seize firearm or related things when there is concern around that person's possession of that thing.

Subclause (2) – Provides subclause (1) can apply whether or not the person of concern is in possession of the firearm or related thing lawfully.

This clause is additional to police powers to seize a firearm in a person's possession unlawfully under the *Criminal Investigation Act 2006* as a thing relevant to an offence.

#### **Clause 345. Power to enter and search vehicles and places**

Subclause (1) – Provides a police officer exercising a power under clause 344 can enter and search any vehicle or place that the police officer reasonably suspects a firearm or related thing may be found that is in the possession of a person in a circumstance that justifies seizure under this Division.

Subclause (2) – Provides a power of a police officer under this clause can be exercised without a warrant, pursuant to 345(3).

Subclause (3) – Sets out the circumstances in which a police officer has the power to enter and search a place under this clause without a warrant. A police officer may only enter and search a place under this clause without a warrant if they reasonably suspect there is an immediate threat of harm to a person and the delay that would be involved in obtaining a warrant would be likely to increase the risk or extent of that harm.

It is intended that the circumstances set out under 345(3) are the only circumstance under which a police officer has the power to enter and search a place under this clause without a warrant.

Subclause (4) – Requires a police officer who exercises a power under this clause

without a warrant to provide the Commissioner a written report in an approved form explaining the reason for the suspicion that authorised the use of that power after it is exercised.

#### **Clause 346. Search warrant under *Criminal Investigation Act 2006***

This clause provides a search warrant can be applied for and issued under the *Criminal Investigation Act 2006* to authorise a police officer to exercise powers under clause 344. This clause states, for the purpose of these powers, the *Criminal Investigation Act 2006* Part 5 applies as if:

- (a) possession by a person of a firearm or related thing in a circumstance of concern under this Division were an offence under a written law; and
- (b) a firearm or related thing in a person's possession in circumstances of concern under this Division were a thing relevant to that offence.

#### **Clause 347. Division does not limit firearms prohibition order powers**

This clause provides this Division does not limit any powers police officer have under Division 2 in relation to the enforcement of firearm prohibition orders.

#### **Division 2 — Enforcement of firearms prohibition orders [1973 Act s.26A-26E]**

#### **Clause 348. Powers can be exercised without a warrant**

This clause provides the powers conferred on a police officer by this Division can be exercised without a warrant unless otherwise specified.

#### **Clause 349. Power of search and seizure before firearms prohibition order served**

Subclause (1) – Provides a police officer can seize a firearm or related thing in the possession of a person against whom a firearms prohibition order is made before the order is served on that person and whether or not the thing in the person's possession is authorised by a firearm authority or otherwise lawful.

This clause intends to empower police to seize firearm or related things from high risk persons against whom firearms prohibition orders are made who may be attempting to evade being served the order or attempting to unlawfully dispose of firearms or related things prior to service.

Subclause (2) – Provides a police officer exercising a power under clause 351 can enter and search any vehicle or place that the police officer reasonably suspects a firearm or related thing may be found.

Subclause (3) – Provides a police officer has the power to enter and search a vehicle under this clause without a warrant.

Subclause (4) – Sets out the circumstances in which a police officer has the power to enter and search a place under this clause without a warrant prior to a firearms prohibition order being served. A police officer can only enter and search a place under

this clause without a warrant if satisfied reasonable efforts to serve the firearms prohibition order as required by clause 320 (in relation to the manner of service) has been made.

This power has been provided due to operational experience of subjects to FPOs avoiding being served with the FPO to dispose of their firearms, often through black market channels. This power attempts to prevent the opportunity for this.

These powers have also been provided due to the high risk carried by persons subject to FPOs.

It is intended that the circumstances set out in 349(4) are the only circumstances under which a police officer has the power to enter and search a place under this clause without a warrant prior to a firearms prohibition order being served for the purposes of search and seizure under a firearms prohibition order.

Subclause (5) – Requires a police officer who exercise a power under this clause without a warrant to provide the Commissioner a written report in an approved form explaining the reason for the suspicion that authorised the use of that power after it is exercised.

Subclause (6) – Provides a search warrant can be applied for and issued under the *Criminal Investigation Act 2006* to authorise a police officer to exercise powers under this clause. This clause states that, for the purpose of these powers, the *Criminal Investigation Act 2006* Part 5 applies as if:

- (a) possession by a person of a firearm or related thing in a circumstance of concern under this Division were an offence under a written law; and
- (b) a firearm or related thing in a person's possession in circumstances of concern under this Division were a thing relevant to that offence.

### **Clause 350. Entry and search of places and vehicles in relation to firearms prohibition orders**

Subclause (1) – Sets out what powers a police officer can exercise as reasonably necessary for the purpose of determining whether a person has committed an offence under Part 8, including the power to:

- (a) enter and search a place occupied by or under the care, control or management of a prohibited person, including power to enter and search a vehicle at the place;
- (b) search a vehicle occupied by or in the charge of a prohibited person, wherever the vehicle is located.

Subclause (2) – Sets out what powers a police officer who enters or searches a place or vehicle under this clause has, including the power to:

- (a) stop and detain the vehicle being searched for so long as is reasonably necessary to conduct the search;

(b) seize a thing relevant to an offence under this Act.

### **Clause 351. Search of prohibited persons and persons in their company**

Subclause (1) – Sets out what powers a police officer has to stop and search a prohibited person and persons in their company, including the power to:

- (a) stop and search a prohibited person as reasonably necessary for the purpose of determining whether the prohibited person has committed an offence under Part 8;
- (b) stop and search a person in the company of a prohibited person if the police officer reasonably suspects that the person in company or the prohibited person has committed an offence under Part 8.

Subclause (2) – Sets out what powers a police officer who conducts a search of a person under this clause has, including the power to:

- (a) stop and detain the person being searched for so long as is reasonably necessary to conduct the search;
- (b) search any item, package or thing in the possession of a person who is the subject of the search;
- (c) seize a thing relevant to an offence under this Act that is found in the person's possession (or in a package or other thing in their possession) or that the person is using.

Subclause (3) – Provides a search of a person under this Act is to be taken as a basic search under Part 8 Division 3 of the *Criminal Investigation Act 2006*.

### **Clause 352. Search and seizure of things required to be surrendered**

Subclause (1) – Sets out the powers of a police officer who reasonably suspects that a prohibited person has failed to surrender a thing in contravention of a provision of clause 325, including the power to:

- (a) enter a place where the police officer reasonably suspects the thing is located;  
and
- (b) search for, and seize, the thing.

Subclause (2) – Provides this clause does not limit the other powers conferred by this Division on a police officer.

### **Clause 353. Seizure of things in authorised possession**

This clause provides a police officer has the power to seize a firearm or related thing under a provision of this Division even if a person is authorised by a firearm authority to be in possession of the firearm or related thing.

### **Division 3 — Other police powers**

#### **Clause 354. Power to seize if licence card not produced [1973 Act s.24(1)]**

Subclause (1) – Provides a police officer has the power to direct a person in immediate possession of a firearm or related thing to produce the licence card authorising the possession of that thing to the police officer.

Subclause (2) – Provides a police officer has the power to seize the firearm or related thing in a person's possession if the required licence card is not produced when directed and the police is not otherwise satisfied that the possession of the thing is lawful.

#### **Clause 355. Power to require surrender of firearms and related things in unlawful possession**

Subclause (1) – Provides a police officer can direct a person to immediately surrender a firearm or related thing if the police officer reasonably suspects that thing may be the unlawful possession of the person. If a person is directed to immediately surrender a firearm or related thing under this clause, they are to do so to a police officer.

Subclause (2) – Sets out what powers a police officer has without a warrant if a person given a direction under this clause fails to comply with the direction by immediately surrendering a thing required to be surrendered, including the power to:

- (a) enter any place that the police officer reasonably suspects are premises on which a thing required to be surrendered may be found; and
- (b) search for and seize a thing required to be surrendered.

Subclause (3) – Provides a firearm or related thing surrendered to a police officer under this clause is to be taken to have been seized by that police officer.

#### **Clause 356. Examination and testing of firearms and related things [1973 Act s.24(3)]**

Subclause (1) – Provides a police officer has the power to direct a person to produce any firearm or related thing in their possession for examination or testing.

Subclause (2) – Makes it an offence to fail to comply with a direction under subclause (1) within a reasonable time, with a penalty of a fine of \$5,000.

Subclause (3) – Provides a police officer has the power to examine or test a firearm or related thing produced to the police officer or that otherwise comes into the police officer's possession.

This clause does not affect police powers to do a forensic examination of a firearm or related thing under the *Criminal Investigation Act 2006* as a thing relevant to an offence.

**Clause 357. Power to seize unsafe, unserviceable or altered firearm or related thing**

This clause provides a police officer has the power to seize a firearm or related thing if of the opinion the thing is unsafe or unserviceable, or the firearm has been unlawfully altered.

Unsafe and unserviceable firearms or related thing are defined in Clause 95.

**Clause 358. Powers in relation to firearm technology [1973 Act s.24(3A), (3B)]**

Subclause (1) – Provides a police officer has the power to direct a person who the police officer reasonably suspect is in possession of firearm technology to provide a password, device or other information or thing to enable access to the firearm technology.

Subclause (2) – Makes failure to comply with a direction by a police officer under subclause (1) without reasonable excuse a crime, with a penalty of 10 years' imprisonment. The summary penalty for this offence is three years' imprisonment and a fine of \$36,000.

**Clause 359. Power to ask questions in relation to offence [1973 Act s.24(4)(a)]**

This clause provides a police officer has the power to question any person the police officer reasonably suspects has information or evidence in relation to an offence, or suspected offence, under the Bill.

**Clause 360. Police powers on licensed premises**

Subclause (1) – Defines *licensed firearm premises* for the purposes of this clause.

Subclause (2) – Sets out what powers a police officer has to enter a licensed firearm premises without a warrant and what a police officer can do on those premises, including the power to:

- (a) inspect the premises; and
- (b) require any person on the premises to produce for inspection by the police officer any record kept under or for the purposes of this Act; and
- (c) inspect any record produced to the police officer and make a copy of, or of any entry in, the record; and
- (d) require any person on the premises to answer questions asked by the police officer about any activities carried on under the authority of a licence or that are otherwise relevant to the operation of this Act; and
- (e) require any person on the premises to provide reasonable assistance to the police officer to facilitate the exercise of the police officer's powers under this section.

Subclause (3) – Sets out what must be produced when the production of a record is

required under this clause and the record is not in a readable format.

Subclause (4) – Makes failure to comply with a requirement by a police officer under subclause (1) without reasonable excuse an offence, with a penalty of a fine of \$5,000.

#### **Clause 361. Compliance directions**

Subclause (1) – Sets out the circumstances in which a police officer can give a compliance direction to a licensee, including if satisfied:

- (a) the licensee has contravened a provision of this Act or a condition of the licensee's licence; and
- (b) the contravention is continuing; and
- (c) activities should not be engaged in under the authority of the licence until the contravention has been remedied.

Subclause (2) – Sets out what a compliance direction is and what directions are included.

Subclause (3) – Provides a compliance direction can include requirements as to what must be done to correct the contravention of conditions of the relevant firearm authority.

Subclause (4) – Makes failure of a licensee to comply with a compliance direction given under this clause an offence, with a penalty of a fine of \$50,000.

#### **Clause 362. Powers are in addition to other powers**

This clause provides the powers conferred on a police officer by Part 11 do not limit the powers a police officer has under any other provision of the Bill or other law.

### **Division 4 — Seized and surrendered firearms and related things**

#### **Clause 363. Term used: surrendered under amnesty**

This clause defines the term ***surrendered under amnesty*** for the purposes of Part 11 as surrendered under clause 339.

#### **Clause 364. Application of *Criminal and Found Property Disposal Act 2006***

Subclause (1) – Applies the *Criminal and Found Property Disposal Act 2006* to a firearm or related thing seized under the Bill and in the possession of a police officer.

Subclause (2) – Provides a firearm or related thing seized under the Bill is to be taken to have been seized in the course of a criminal investigation by the Police Force for the purposes of the application of the *Criminal and Found Property Disposal Act 2006*.

#### **Clause 365. Dealing with firearms and related things surrendered under amnesty**

Subclause (1) – Sets out the Commissioner can deal with a firearm or related thing

surrendered under amnesty by sale, forfeiture, destruction or otherwise as the Commissioner see fit.

Subclause (2) – Sets out the way the Commissioner must deal with the proceeds of any sale of a firearm or related thing under this clause.

Subclause (3) – Provides this clause is subject to clause 341 in relation to persons making an application for the necessary firearm authority to authorise the possession of a surrendered item within 14 days.

#### **Clause 366. Dealing with other firearms and related things in police possession**

Subclause (1) – Requires a firearm or related thing that comes into police possession under the Bill other than by being surrendered under amnesty or seized to be dealt with under this clause when it is no longer authorised to be retained.

Subclause (2) – Requires the Commissioner to return a firearm or related thing under this clause to a person who the Commissioner is satisfied is entitled to the lawful possession of the thing.

Subclause (3) – Sets out the Commissioner can deal with a firearm or related thing surrendered under amnesty by sale, forfeiture, destruction or otherwise as the Commissioner see fit if a person entitled to its lawful possession cannot be identified or found. This clause intends to require the Commissioner make all reasonable efforts to identify and locate persons entitled to the lawful possession of a firearm or related thing under this clause.

Subclause (4) – Sets out the way the Commissioner must deal with the proceeds of any sale of a firearm or related thing under this clause.

#### **Clause 367. Power of court to order forfeiture on conviction of offender [1973 Act s.28]**

Subclause (1) – Allows a court that convicts a person of an offence under any written law to make an order for the forfeiture to the State or destruction of a firearm or related thing that the court is satisfied was related to the commission of the offence. This order can be made in addition to any other penalty imposed by the court for the same offence.

Subclause (2) – Applies the *Criminal and Found Property Disposal Act 2006* to a firearm or related thing forfeited to the State under a court order under subclause (1).

### **Division 5 — General**

#### **Clause 368. Offence: failure to answer questions**

This clause makes it an offence if a person:

- (a) fails without reasonable excuse to answer any question asked by a police officer under this Act;
- (b) in answer to a question asked by a police officer under this Act provides



information that the person knows to be false or misleading in a material particular.

The penalty for the offences in this clause is a fine of \$5,000.

**Clause 369. Offence: misleading police officer**

This clause makes it an offence to mislead, or attempt to mislead, any police officer in a manner likely to affect the discharge of the police officer's duties under the Bill, with a penalty of a fine of \$5,000.

**Clause 370. Powers under *Criminal Investigation Act 2006***

This clause provides the *Criminal Investigation Act 2006* Part 2 applies to a police officer exercising a power under this Act in the same manner that it applies to a police officer exercising a power under the *Criminal Investigation Act 2006*, with any modifications necessary for the Part to apply.

**Clause 371. Other powers not affected**

This clause provides nothing in this Act limits or affects any police powers under the *Criminal Investigation Act 2006* or any other law.

## **Part 12 — Information**

### **Division 1 — Disclosure of information to the Commissioner**

#### **Clause 372. Providing information to the Commissioner about person of concern**

This clause allows any person to provide information to the Commissioner about another person (the person of concern) if the person providing the information believes the information indicates:

- (a) the person of concern about is not a fit and proper person to have access to a firearm;
- (b) it is not in the interests of the person or the public for the person of concern to have access to a firearm as a result of their physical, mental or emotional condition; or
- (c) the person of concern is seeking, or has sought, medical assistance for an injury which is believed to have been inflicted with the involvement of a firearm.

#### **Clause 373. Information from licensed firearm club**

Subclause (1) – Requires an officer of a firearm club to notify the Commissioner of:

- (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;
- (e) any other matter prescribed by the regulations.

Subclause (2) – Provides the regulations may make provisions in relation to the reportable matters for a licensed firearm club.

Subclause (3) – Requires an officer of a firearm club to notify the Commissioner, in the prescribed time and manner, of an opinion a member of the club is not a fit and proper person to hold a firearm authority and the grounds on which that opinion was formed.

Makes it an offence to fail to notify the Commissioner of an opinion a member of the club is not fit and proper to hold a firearm authority, with a penalty of \$5,000.

#### **Clause 374. Information from approved society of firearm collectors [1973 Act s.15B]**

Subclauses (1) – Makes it an offence for an approved society of firearm collectors to

fail to notify the Commissioner when a member who holds a Collector Licence ceases to be a member of the society within seven days of the membership ceasing. The penalty for this offence is a fine of \$5,000.

This applies regardless of the way in which the membership ceased (i.e., voluntarily or involuntarily).

Subclauses (2) – Requires a notification under subclause (1) must include a statement of the reason the member ceased to be a member of the approved society of firearm collectors.

Subclause (3) – Requires a notification under subclause (1) as a result of a member being expelled must include a statement of the reasons the member was expelled from the approved society of firearm collectors.

Subclause (4) – Provides a statement of reasons for a member being expelled can include information the Commissioner may consider relevant to the question of whether the expelled person is fit and proper to hold a Collector Licence.

Subclause (5) – Allows an approved society of collectors, upon the request of the Commissioner, to provide information relevant to whether:

- (a) a firearm has significant collector value; or
- (b) a person is fit and proper to hold a Collector Licence.

#### **Clause 375. Providing further information requested by Commissioner**

This clause provides a person can provide any further information to the Commissioner that is requested by the Commissioner in connection to information provided under Part 11.

#### **Clause 376. Protection from liability when information provided in good faith**

Subclause (1) – Provides protection against civil or criminal liability to any person notifying the Commissioner of relevant information under this clause in good faith. This clause extends this protection to those with professional duties of confidentiality or secrecy imposed on them by law as well as standards of professional ethics or principles of conduct. These protections allow for professionals (e.g., health professionals held to standards of confidentiality) to disclose relevant, good faith information to the Commissioner about a person of concern without fear of civil or criminal liability.

Subclause (2) – Provides subclause (1) does not protect a person from liability for an offence committed by the person under this Act or another written law about which the person provides information under Part 12, except an offence in relation to the disclosure of information.

#### **Clause 377. Protection of identity of person providing information to Commissioner**

This clause provides protection to any person providing information to the

Commissioner by prohibiting a person to disclose identifying information about a person who has provided information to the Commissioner under Part 12. However, this clause allows a person to disclose identifying information about a person who has provided information to the Commissioner only if:

- (a) the person who provided the information to the Commissioner consents to the disclosure of the identifying information;
- (b) it is necessary to disclose the identifying information to enable the matter to be effectively investigated;
- (c) there are reasonable grounds to believe that disclosing the identifying information is necessary to prevent or minimise the risk of injury to a person or damage to property; or
- (d) the identifying information is disclosed in accordance with an order of a court or a person or body having authority to hear, receive and examine evidence.

This clause makes it an offence to disclose identifying information about a person who has provided information to the Commissioner, with a penalty of two years' imprisonment and a fine of \$24,000.

**Clause 378. Commissioner's decisions made in reliance on information provided**

Subclause (1) – Provides a decision made by the Commissioner that was made in full or partial reliance on information provided under Part 12 is not liable to be called into question or annulled even if it were shown after the decision was made that the information was factually incorrect.

Subclause (2) – Requires the Commissioner to reconsider the decision made in full or partial reliance on information provided under Part 12 that is subsequently shown to be factually incorrect if requested to do so by the person or body adversely affected by that decision. In reconsidering the decision, the Commissioner is to determine the extent to which the decision should, or might, be varied as a result of the correction of those factual errors.

**Clause 379. Information includes opinion**

This clause provides, for the purposes of Part 12, information is taken to include information in the form of opinion.

**Division 2 — Disclosure of information by the Commissioner**

**Clause 380. Terms used**

This clause defines certain terms used for the purposes of this Division.

**Clause 381. Disclosure by the Commissioner of relevant firearm information about person**

This clause allows the Commissioner to disclose relevant firearm information about a

person to:

- (a) any law enforcement agency (including a law enforcement agency in another jurisdiction);
- (b) a person or body with functions under the law of another jurisdiction that are substantially similar to the functions of the Commissioner under the Bill (e.g., Commissioner, Registrar etc.)
- (c) the holder of a firearm authority if the Commissioner is satisfied that disclosure of the information will assist the holder to comply with the Bill (e.g., Trade, Club, Range or other licence holders that may require the knowledge of firearms prohibition order and disqualification statuses so as not to provide service to prohibited or disqualified persons);
- (d) any State agency engaged in the provision of services if the Commissioner is of the opinion that it is in the public interest in connection with the provision of those services that the State agency is aware of relevant firearm information about the person (e.g., state health services that may require the knowledge of firearm ownership status to best safeguard the firearm authority holder and the public).

### **Division 3 — Confidentiality of information**

#### **Clause 382. Confidentiality**

Subclause (1) – Makes it an offence to use or disclose any information obtained by disclosure of information in Part 12 because of:

Clause 1. the person's office, position, employment or engagement under or for the purposes of this Act; or

Clause 2. any disclosure made to the person under or for the purposes of this Act.

The penalty for this offence is a fine of \$10,000.

Subclause (2) – Disapplies subclause (1) to the use or disclosure of information that is already in the public domain or statistical or other information that could not be reasonably expected to lead to the identification of any person to whom it relates.

Subclause (3) – Provides a person does not commit an offence under subclause (1) if they use or disclose information as authorised by clause 383(1).

#### **Clause 383. Authorised use or disclosure of information**

Subclause (1) – Permits the use or disclosure of information, in good faith, for the following purposes:

- (a) for the purposes of, or in connection with, performing a function under this Act or another law; or
- (b) as required or authorised under this Act or another law; or

- (c) for the purposes of any legal proceedings arising under this Act or another law;  
or
- (d) under an order of a court or other person or body acting judicially; or
- (e) with the consent of the person to whom the information relates; or
- (f) in other circumstances prescribed by the regulations.

Subclause (2) – Provides protection against civil or criminal liability if the information is used or disclosed under subclause (1). This clause extends this protection to those with professional duties of confidentiality or secrecy imposed on them by law as well as standards of professional ethics or principles of conduct.

## **Part 13 — Evidentiary matters**

### **Clause 384. Averments in prosecution documents**

This clause specifies when an averment will be admissible and accepted as evidence in a prosecution for an offence against the Bill in the absence of evidence to the contrary.

### **Clause 385. Evidence in proceedings**

This clause defines the term *official document* for the purposes of this clause and specifies in what circumstances an official document may be accepted as admissible evidence in relation to the matter contained in the document.

### **Clause 386. Onus of proving reasonable excuse, lawful excuse or lawful purpose**

This clause provides that the onus for proving conduct was engaged in with reasonable or lawful excuse, or for a lawful purpose, in relation to an offence under the Bill lies on the person making that assertion.

## **Part 14 — Advertising, supply and reporting requirements**

### **Clause 387. Advertising firearms and related things for sale**

Subsection (1) – Requires advertisements for the sale of firearms to include the type, make, serial number and calibre of the firearm. Requires advertisements for the sale of major firearm parts to include a description of the major firearm part (including serial number if applicable), and any particulars required by the regulations. This clause is not intended to apply to ammunition.

Makes it an offence to fail to adhere to these requirements, with a penalty of a fine of \$5,000.

Subsection (2) – Disapplies this clause from Trade Licensee advertisements under clause 388.

### **Clause 388. Advertising under Trade Licence**

This clause requires advertisements for the sale of firearms or major firearm parts under the authority of a Trade Licence to include the licence number of the licence and the business name of the licensee or other identifying particulars that would sufficiently identify the licence. For advertisement for the sale of a related thing that is not a major firearm part (i.e., ammunition), the clause requires Trade Licensees to include particulars prescribed by the regulations.

This clause makes it an offence for a Trade Licensee to fail to adhere to these requirements, with a penalty of a fine of \$5,000.

### **Clause 389. Advertising prohibited accessories for sale**

This clause makes it an offence to advertise the sale of a prohibited accessory, with a penalty of a fine of \$5,000.

### **Clause 390. Sending firearms and related things by post**

This clause requires a person who sends a firearm, major firearm part or prohibited accessory by post to address the thing to the premises of a lawful firearms dealer (or equivalent in the respective jurisdiction) and prohibited ammunition being sent in the same package containing the firearm or related thing. This clause provides additional requirements may be prescribed by the regulations.

This clause makes it an offence to fail to adhere to this clause, with a penalty of a fine of \$5,000.

### **Clause 391. Reporting loss of firearm or related thing**

This clause requires a person who is in possession of a firearm or related thing under the authority of a licence or permit to report the loss of that thing to the Commissioner in an approved manner as soon as practicable. This clause encompasses the loss of a firearm by way of theft.

This clause makes it an offence to fail to report the loss of a firearm or related thing to



the Commissioner in an approved manner as soon as practicable, with a penalty of a fine of \$10,000.

**Clause 392. Reporting destruction of firearm, major firearm part or prohibited accessory**

This clause requires a person who is in possession of a firearm, major firearm part or prohibited accessory under the authority of a licence or permit to report the destruction of that thing to the Commissioner in an approved manner as soon as practicable if it is destroyed in a manner other than by the authority of the Commissioner.

Destruction: destroying a firearm means disposing of a firearm, related thing or prohibited accessory by eliminating the whole firearm, related thing or prohibited accessory, usually, but not limited to, by means of melting, shredding or crushing.

This clause makes it an offence to fail to report the destruction of a firearm or related thing to the Commissioner in an approved manner as soon as practicable, with a penalty of a fine of \$10,000.

**Clause 393. Reporting supply of firearm or related thing**

Subclause (1) – This clause requires the holder of a licence or permit that supplies a firearm or major firearm part to a person to report supply of that thing to the Commissioner in an approved manner as soon as practicable. The report to the Commissioner must include:

- (a) the details of the firearm or major firearm part concerned, including any details required by the regulations;
- (b) the manner and date of supply;
- (c) the name and address of the buyer;
- (d) if the buyer is not a firearms dealer, the buyer's date of birth and licence, permit or firearm authority details (including number and expiry date).

Makes it an offence to fail to report the supply of a firearm or major firearm part to the Commissioner in an approved manner as soon as practicable, with a penalty of a fine of \$5,000.

Subclause (3) – Applies this clause whether the actual act of supplying the firearms or related things both inside and outside of Western Australia.

This clause is not intended to apply to ammunition or prohibited accessories.

## **Part 15 — General**

### **Clause 394. Protection from liability**

Subclause (1) – Defines the term *protected person*.

Subclause (2) – Provides an action or tort does not lie against a protected person for having committed an act or omission in good faith in

- (a) the administration or purported administration of this Act; or
- (b) the performance or purported performance of a function under this Act.

Subclause (3) – Stipulates the State remains liable for another person having committed an act or omission as described in subclause (2).

Subclause (4) – Provides this clause applies in addition to the *Police Act 1892* section 137

### **Clause 395. Persons concerned in commission of offence**

This clause provides a person knowingly concerned in the commission of an offence under this Act is taken to have committed that offence and is punishable. This applies whether a person commits the offence by act or omission in any way directly or indirectly.

This clause does not limit *The Criminal Code* section 7.

### **Clause 396. Limitation periods [1973 Act s.23A]**

This clause sets out the offences under the Bill for which a prosecution can be commenced at any time within two years after the date on which the alleged offence was committed.

### **Clause 397. Compliance with approved forms**

This clause provides, if a form approved by the Commissioner or prescribed by the regulations require the form to be completed in a specified manner, or require specified information to be included, attached or furnished with the form, that form is not taken to be complete unless those requirements are met.

### **Clause 398. Fees**

Subclause (1) – Provides, in relation to fees, the regulations can:

- (a) require the payment of a prescribed fee for, or in connection with, the making of an application under the Bill or the grant, amendment or renewal of a firearm authority, licence card or other matter under the Bill;
- (b) provide for a prescribed fee as a specified amount or as an amount to be calculated in a specified manner;

- (c) prescribe the person liable for the payment of a prescribed fee; and
- (d) prescribe the method of recovery of a prescribed fee that is not duly paid, including by the confiscation and sale of any firearm or related thing to which that unpaid fee relates.

Subclause (2) – Provides the Commissioner can reduce, waive payment of, or refund a prescribed fee.

Subclause (3) – Provides the Commissioner is not required to refund a prescribed fee that has already been paid in connection with the making of an application under the Bill if that application is rejected due to not being properly made or otherwise refused.

Subclause (4) – This clause does not limit the *Interpretation Act 1984* section 45.

**Clause 399. Regulations [1973 Act s.18(1), (4), 22A(6), 34]**

Subclause (1) – Provides the Governor has the ability to make regulations prescribing all matter required or permitted by the Bill to be prescribed, or are necessary or convenient to be prescribed to give effect to the Bill.

Subclause (2) – Provides the regulation-making powers for, or with respect to:

- (a) applications for, and the grant, renewal, suspension, and cancellation of, firearm authorities;
- (b) matters to which regard may or must be had in determining whether a person meets firearm authority health standards;
- (c) requiring the keeping of records by the holder of a firearm authority, including a requirement that an entry in a record be verified by statutory declaration or in any other approved manner;
- (d) the content of records required to be kept by the regulations, the manner in which records must be kept and the period for which records must be retained;
- (e) requiring a person in possession of any record required to be kept by the regulations to produce the record for inspection by a police officer and to permit a police officer to make a copy of, or of any entry in, the record;
- (f) requiring the holder of a firearm authority to notify the Commissioner of a change in the personal particulars of the holder or in any particular that is recorded in or relevant to the firearm authority;
- (g) requiring the holder of a firearm authority to report to the Commissioner on any matter relevant to the firearm authority;
- (h) the manner in which information must be reported or notified to the Commissioner,
- (i) the forms to be used for the purposes of this Act, and the manner of, and the time for, their completion, including a requirement that information supplied be

verified by statutory declaration;

- (j) restricting the amount of ammunition that can be possessed by a person;
- (k) regulating the sending or conveyance of firearms and related things;
- (l) the construction and operation of licensed firearm ranges (including shooting galleries);
- (m) the recognition for the purposes of this Act of a licence, permit or other authority in force under the law of another Australian jurisdiction and, for that purpose, providing for such a licence, permit or other authority to have effect as a licence, permit or approval under this Act;
- (n) any other purpose necessary for ensuring public safety in relation to firearms and related things.

This subclause does not limit the operation of subclause (1).

Subclause (3) – Provides the regulations can prescribe that contravention of a regulation is an offence with a penalty that must not exceed \$5,000.

#### **Clause 400. Review of Act**

This clause requires the Minister of Police to review the operation and effectiveness of the Bill upon the 5<sup>th</sup> anniversary of its commencement, with regard given to whether the Bill successfully addresses its principles and objects.

## **Part 16 — Savings and transitional provisions**

### **Division 1 — General**

#### **Clause 401. Terms used**

This clause defines certain terms for the purposes of this Part.

#### **Clause 402. Transitional regulations**

Subclause (1) – Defines certain terms for the purposes of this clause.

Subclause (2) – Provides, should there be no sufficient provision in Part 16 for dealing with a transitional matter, the Governor may make regulations prescribing matters to deal with that transitional matter.

Subclause (3) – Provides regulations made under subclause (2) can provide that specified provisions of the Bill do not apply, or apply with specified modifications, in relation to a specified matter.

Subclause (4) – Specifies if regulations made under subclause (2) provide that a specified state of affairs is taken to have existed, or not to have existed, on and after a day that is earlier than publication day for those regulations but not earlier than the day on which the relevant provision of the Bill came into operation, the regulations have effect according to their terms.

Subclause (5) – Specifies if regulations made under subclause (2) contains a provision under subclause (4), the provision does not operate to:

- (a) affect, in a manner prejudicial to a person (other than the State or an authority of the State), the rights of that person existing before publication day for those regulations; or
- (b) impose liabilities on a person (other than the State or an authority of the State) in respect of an act done or omission made before publication day for those regulations.

#### **Clause 403. *Interpretation Act 1984* not affected**

This clause provides Part 16 is taken to operate in addition to the *Interpretation Act 1984* and, unless the contrary intention appears, does not limit or affect the operation of any provision of the *Interpretation Act 1984*.

#### **Clause 404. References to 1973 Act**

Subclause (1) – Provides a reference in a document or instrument to the *1973 Act* is taken to be also be a reference to the *Firearms Act 2024*, unless otherwise required by the context.

Subclause (2) – Provides a reference in a document or instrument to an old provision in the *1973 Act* is taken to be also be a reference to the corresponding provision in the *Firearms Act 2024*, unless otherwise required by the context.

#### **Clause 405. Delegations under 1973 Act**

Subclause (1) – Provides a delegation under the *1973 Act* may be revoked prior to commencement day.

Subclause (2) – Provides a delegation under the Bill may be made prior to commencement day and may have effect before commencement day for the purposes of the operation of Part 16.

Subclause (3) – Provides a delegation of Commissioner's powers under a provision of the *1973 Act* that is in force immediately before commencement day is to be taken to be a delegation under the corresponding provision of the Bill upon commencement.

#### **Clause 406. Directions about corresponding provisions and pending applications**

Subclause (1) – Provides the Commissioner has the power to give directions that:

- (a) determine any questions as to which firearm authority under the Bill corresponds to a firearm authority under the *1973 Act*;
- (b) determine any question as to which provision of the Bill corresponds to a provision of the *1973 Act* for the purposes of Part 15;
- (c) determine that a reference in Part 15 to the corresponding provision of the *1973 Act* is to be taken as a reference to a specified provision of the *1973 Act*;
- (d) modify the operation of a provision of the Bill in respect of a pending application to make appropriate provision for differences between the Bill and the *1973 Act*;
- (e) modify the effect of anything done or commenced under the *1973 Act* in respect of a pending application to ensure that it has an appropriate effect under the Bill.

Subclause (2) – Provides directions under subclause (1) have effect according to the terms of those directions.

#### **Clause 407. Reference to compliance with this Act**

This clause provides a reference in the Bill to compliance with the Bill is to be taken to also mean compliance with the *1973 Act*.

#### **Clause 408. Reference to contravention of 1973 Act or conditions**

Subclause (1) – Provides a reference in the Bill to a contravention of a provision of the Bill is taken to include a contravention of a provision of the *1973 Act*.

Subclause (2) – Provides a reference in the Bill to a contravention of a condition of a firearm authority is taken to include a contravention of a condition of firearm authority under the *1973 Act*.

## **Clause 409. Decisions and other matters under 1973 Act**

Subclause (1) – Defines the term ***administrative action*** for the purposes of this clause.

Subclause (2) – Provides a reference in the Bill to administrative action under the Bill is to be taken to also mean administrative action under the *1973 Act*.

Subclause (3) – Provides any act, matter or thing done under, or for the purposes of, a provision of the *1973 Act* and having effect immediately before commencement day is taken to have been done under or for the purposes of the corresponding provision of the Bill.

## **Division 2 — Transitional licences, permits and approvals**

### **Clause 410. Term used: transitional authority**

This clause defines the term ***transitional authority*** as the meaning given in clause 411(1) for the purposes of this Division.

Some firearm authority holders under the 1973 Act will be able to retain their licence, permit, approval or exemption during the transitional period (which will become a ***transitional authority***) until renewal, when they may be issued a ***replacement authority***, which is a firearm authority under the Bill. Transitional authorities are subject to the provisions of the Bill on cancellation and suspension. The Commissioner will be able to suspend, cancel or amend the term of a transitional authority according to provisions of the Bill (e.g., fit and proper). This does not limit the ability to replace a transitional authority before the renewal date.

### **Clause 411. Continued operation of 1973 Act authority as transitional authority**

Subclause (1) – Provides, if a firearm authority under the *1973 Act* has not been replaced by a firearm authority granted under the Bill before commencement day, the existing firearm authority is to be taken to have been granted under the Bill as a transitional firearm authority.

Subclause (2) – Provides a transitional firearm authority holds the same authority under the Bill as the firearm authority under the *1973 Act* it replaces.

Subclause (3) – Provides a transitional firearm authority remains subject to the restrictions, limitations and conditions imposed to which the original *1973 Act* authority was subject.

### **Clause 412. Cancellation of transitional authority**

Subclause (1) – Provides the Commissioner may cancel a transitional authority if of the opinion there is no firearm authority under the Bill that is suitable or appropriate to replace the relevant firearm authority under the *1973 Act*. Notice of cancellation of a transitional authority must be made in writing to the holder of the authority.

Subclause (2) – Stipulates the cancellation of a transitional authority under this clause takes effect upon notice of cancellation being given to the holder of the authority or on

a later date specified by the Commissioner in the notice.

Subclause (3) – Allows the Commissioner to cancel a transitional authority prior to commencement day as though the holder of a firearms authority under the *1973 Act* will be the holder of a transitional authority upon commencement day.

Subclause (4) – Provides a cancellation of a transitional authority prior to commencement day will not take effect until commencement day or a later date specified by the Commissioner in the notice.

Subclause (5) – Provides this clause does not limit clause 415 in relation to the cancellation, suspension and conditions of transitional authorities.

### **Clause 413. Directions for appropriate grant of transitional authority**

Subclause (1) – Defines the term ***firearm authority requirement*** for the purposes of this clause.

Subclause (2) – Provides the Commissioner has the power to direct the holder of a transitional authority to comply with a firearm authority requirement the Commissioner considers necessary or desirable to ensure compliance with the requirements that would apply if that person was applying for the grant of the firearm authority to replace the transitional authority in the ordinary operation of the Bill.

Subclause (3) – Stipulates it is a condition of a transitional authority that a direction under this clause must be complied with.

Subclause (4) – Provides a condition of a transitional authority may prevent or restrict the possession or use of a firearm under the transitional authority until a direction under this clause is complied with.

Subclause (5) – Provides the Commissioner may suspend a transitional authority under a direction under this clause is complied with.

Subclause (6) – Allows a direction under this clause to be given prior to commencement day. This means that reference to the holder of a transitional authority in this clause is taken to include a person who will be the holder of a transitional authority on commencement day.

### **Clause 414. Term and renewal of transitional authority**

Subclause (1) – Provides a transitional authority remains in force for the remainder of the term of the firearm authority under the *1973 Act* it replaces unless:

- (a) the term of the transitional authority is changed by the Commissioner under subclause (2); or
- (b) the transitional authority is sooner replaced under clause 417 or cancelled.

Subclause (2) – Provides the Commissioner has the power to change the term of a transitional authority by notice in writing to the holder of the authority to effect the transition required for the enactment of the Bill.



*Example:* Person A has a Firearm Licence under the 1973 Act for recreational hunting. Upon commencement day, Person A will be automatically granted a transitional authority under the Bill with the same authority of their previous Firearm Licence with the remaining period of the previous licence term of 1 month. To allow for appropriate time to review and transition Person A's licence, the Commissioner provides notice in writing the Person A that the term of their transitional authority will now be 12 months.

Note this does not prevent the Commissioner from granting a replacement authority to Person A to replace this transitional authority before the 12-month period lapses.

Subclause (3) – Prohibits a transitional authority from being renewed as a transitional authority. Provides a transitional authority may be replaced with a firearm authority as a replacement authority per clause 418 or by way of application by the person per the ordinary operation of the Bill.

#### **Clause 415. Cancellation, suspension and conditions of transitional authority**

Subclause (1) – Provides a transitional authority is subject to provisions of the Bill that require or authorise the cancellation or suspension of a firearm authority.

Subclause (2) – Provides clause 187 in relation to the imposition and variation of conditions of a firearm authority applies to a transitional authority. This means that the Commissioner has the power to impose and vary the conditions of a transitional authority in accordance with clause 187 requirements, such as giving notice to the authority holder.

#### **Clause 416. Action before commencement day for cancellation or suspension of transitional authority**

Subclause (1) – Defines the term *authorised action* for the purposes of this clause.

Subclause (2) – Provides the Commissioner has the power to take authorised action in relation to a transitional authority prior to commencement day that would be authorised or required under the Bill to be taken by the Commissioner on or after commencement day. This clause intends to ensure the Commissioner has the capacity to begin the administrative execution of the Bill prior to commencement day to facilitate an efficient transition upon commencement day.

Subclause (3) – Provides action taken by the Commissioner under this clause has effect on commencement day or a day specified by the Commissioner.

#### **Clause 417. Grant of firearm authority to replace transitional authority**

Subclause (1) – Provides the Commissioner has the power to grant a firearm authority under the Bill to replace a transitional authority.

Subclause (2) – Requires a replacement firearm authority to be granted as a firearm authority of a kind, and be subject to conditions, that the Commissioner considers suitable and appropriate to replace and give effect to the firearm authority under the

1973 Act and the conditions, limitations and restrictions to which that authority was subject.

Subclause (3) – Provides a transitional authority ceases to have effect upon the granting of a replacement authority to replace that authority.

Subclause (4) – Provides the term of a replacement authority is taken to be the remainder of the term of the transitional authority that it replaces unless otherwise determined by the Commissioner.

*Example:* Person A has a Firearm Licence under the 1973 Act for recreational hunting. Under the Bill, they will be expected to apply for an Individual Licence for hunting purposes (a Hunting Licence). Upon commencement day, Person A was automatically granted a transitional authority with the same authority of their previous Firearm Licence with the remaining period of the licence term of 9 months.

Option 1: After a month the Commissioner has now granted Person A a replacement authority under the 2024 Act. Under clause 418, the Commissioner has not specified a specific term of this authority, and as such, it is taken to be the remainder of the term of the transitional authority which would now be 8 months.

Option 2: After a month the Commissioner has now granted Person A a replacement authority under the 2024 Act. Under clause 418, the Commissioner has determined the term of the replacement to be 1 year from the date of grant.

#### **Clause 418. Licence card for transitional authority**

This clause provides the Commissioner may issue a licence card under the Bill, as per Part 4 Division 10, for a transitional authority before, on, or after commencement day.

#### **Clause 419. Exemptions under 1973 Act**

Subclause (1) – Defines the term **1973 Act exemption** for the purposes of this clause. The 1973 Act exemptions are exemptions in section 8 of the 1973 Act that exempt a person or group of persons from holding a licence to possess or use firearms.

Subclause (2) – Stipulates an exemption under the 1973 Act will be replaced by a transitional authority and confer the same authority as it would have under the 1973 Act with any additional operation or effect under the Bill in respect of a transitional authority the regulations provide for a period of 12 months from commencement day. This means that exemptions granted under the 1973 Act will still be valid during the transitional period until a replacement authority is sought, at which point persons exempted under the 1973 Act will need to be captured under the new firearm authority regime.

Subclause (3) – Provides the regulations may limit the operation of subclause (2) and make provisions to impose conditions on the possession or use of a firearm under the authority of subclause (2).

Subclause (4) – Provides the Commissioner may replace an exemption under the 1973 Act by granting the person subject to the exemption a firearm authority under the 2024 Act. This intends to allow the Commissioner to replace an exemption under the 1973 Act with a replacement authority under the Bill without first replacing it with a transitional authority as required by 417(1).

Subclause (5) – Provides a replacement authority to replace an exemption under the 1973 Act with a firearm authority under the 2024 Act is to be granted to an authority of a kind, and subject to conditions, the Commissioner considers suitable and appropriate to replace the exemption under the 1973 Act and give effect to the conditions, limitations and restrictions to which the exemption was subject.

Subclause (6) – Places the following limits on exemptions under section 8(1)(h) of the 1973 Act:

- (a) the exemption only applies in respect of a firearm to which a transitional authority applies;
- (b) the exemption only applies to the use of the firearm by the holder of the transitional licence or an employee of the holder.

#### **Clause 420. Pending applications**

Subclause (1) – Provides that an application made under the *1973 Act* that has not been decided before commencement day must be dealt with and decided as an application made under the corresponding provision of the Bill that the Commissioner considers appropriate. This clause applies to applications for the grant or renewal of a firearms authority.

Subclause (2) – Stipulates if a pending application under subclause (1)(b) is being dealt with on or after commencement day, this Division applies to the 1973 Act authority with which the application is concerned until the application is determined.

Subclause (3) – Provides that the Commissioner can treat a pending application as having been made with the appropriate modifications for that application to be considered appropriate for determination under the Bill. Allows the Commissioner to determine what modifications for a pending application to be considered appropriate for determination may be.

Subclause (4) and (5) – Requires the Commissioner to refuse a pending application on commencement day if the applicant is a prohibited or disqualified person under the Bill, which takes effect immediately before commencement day.

#### **Clause 421. Authority for sound suppressor**

This clause provides an authority for a sound suppressor under section 17B of the 1973 Act that is in force immediately before commencement day is to be taken to be a firearm authority under the 1973 Act for the purposes of this Division.

#### **Clause 422. Permits under 1973 Act**

This clause provides a permit held under the 1973 Act remains to be in force, subject

to clause 181 of the Bill as clause 181 limits the period to which a permit may be in force.

#### **Clause 423. Effect of 1973 Act authorities after commencement day**

This clause provides a firearm authority under the 1973 Act ceases to have any effect immediately before commencement day unless specified by this Division.

### **Division 3 — Prohibited and disqualified persons**

#### **Clause 424. Firearms prohibition orders under 1973 Act**

Subclause (1) – Provides a firearm prohibition order made and served under the 1973 Act before commencement day remains in force as a firearms prohibition order under the Bill.

Subclause (2) – Provides a firearm prohibition order made under the 1973 Act before commencement day but not served before commencement day is taken to be a firearms prohibition order under the Bill and can be served as such.

Subclause (3) – Specifies that, for the purposes of calculating the period for which a firearms prohibition order has been in force, any period the order has been in force before commencement under the 1973 Act is taken to count.

#### **Clause 425. Disqualified persons**

This clause provides that clause 9 of the Bill in relation to the meaning of *disqualified person* extends to disqualifying offences, orders, organisation memberships and periods prior to commencement day. This allows the retrospective disqualification of some firearm authority holders to ensure high risk persons are prohibited from accessing firearms and related things.

#### **Clause 426. Notification of disqualifying offences and orders**

This clause provides clause 197 (in relation to the notification of disqualifying offences and orders) applies to:

- (a) a disqualifying order made against a person before commencement day as if the disqualifying order had been made on commencement day; or
- (b) a person charged with a disqualifying offence before commencement day as if the person had been charged on commencement day; or
- (c) a finding of guilt made before commencement day in relation to a disqualifying offence committed by a person as if the finding of guilt had been made on commencement day.

### **Division 4 — Review of decisions under 1973 Act**

#### **Clause 427. Terms used**

This clause defines terms for the purposes of the Division.

#### **Clause 428. Review of decisions under 1973 Act**

Subclause (1) – Provides the *State Administrative Tribunal Act 2004* and provisions relating to the review of a decision by the Commissioner under the 1973 Act made before commencement day apply on and from commencement day remains as if made under the Bill.

Subclause (2) – Provides a decision by the State Administrative Tribunal on a review of a decision by the Commissioner under the 1973 Act before commencement day, but not given effect before commencement day, must be given effect under the Bill.

Subclause (3) – Provides pending State Administrative Tribunal proceedings on a review of a decision by the Commissioner under the 1973 Act started before commencement day but not decided before commencement day are to continue and be dealt with by the State Administrative Tribunal under the Bill as if the Commissioner's decision were made under the Bill.

#### **Clause 429. Supreme Court proceedings**

Subclause (1) – Provides pending Supreme Court proceedings in relation to pending State Administrative Tribunal proceedings started before commencement day but not decided before commencement day are to continue and be dealt with by the Supreme Court under the Bill as if the Commissioner's decision were made under this Bill.

Subclause (2) – Provides a decision made after commencement day in Supreme Court proceedings in relation to pending State Administrative Tribunal proceedings is to be given effect in relation of those pending State Administrative Tribunal proceedings and dealt with under this Bill.

#### **Clause 430. Clause 5 matter**

Subclause (1) – Defines certain terms for the purposes of the clause.

Subclause (2) – Provides a matter identified by the Commissioner under section 22(3)(b) of the 1973 Act as a clause 5 matter is to be taken to be notified exempt material for the purposes of review provisions in the Bill in relation to pending State Administrative Tribunal and Supreme Court proceedings.

### **Division 5 — Miscellaneous**

#### **Clause 431. Grant of first licence: 42-day delay**

This clause provides a reference to a licence in clause 170 in relation to the delayed grant for a first licence includes a licence under the 1973 Act.

#### **Clause 432. Firearm use by supervised young person under Individual Licence**

This clause provides any period for which a person held a Firearm Licence under the 1973 Act is taken to be included in the period for which they held an Individual Licence under the Bill for the purposes of clause 31 in relation to qualifying to supervise a young person under an Individual Licence. This applies only if the period the Firearm Licence was held was consecutive, as specified by clause 31.

### **Clause 433. Averments in prosecution documents**

This clause provides a reference in clause 384 in relation to averments in prosecution documents to an offence or other matter under the Bill is taken to include an offence or corresponding matter under the 1973 Act.

### **Clause 434. Accredited society of collectors**

This clause provides a body corporate designated as an accredited society of collectors under section 15A of the 1973 Act in effect immediately before commencement day is taken to be an approved accredited society of firearm collectors under clause 70(1) of the Bill.

### **Clause 435. Search warrants**

This clause provides a search warrant in force under section 26 of the 1973 Act before commencement day is taken to remain in force in accordance with its terms. This clause is notwithstanding the repeal of section 26 of the 1973 Act.

### **Clause 436. Surrendered firearms, major firearm parts and ammunition**

This clause provides a firearm or related thing surrendered under section 33A(1) of the 1973 Act is taken to have been surrendered under clause 339(1) of the Bill on the date of its surrender under the 1973 Act for the purposes of the application of Part 10 of the Bill.

### **Clause 437. Provision of information**

Subclause (1) – Extends Part 12 in relation to the disclosure of information to the provision of information about matters prior to commencement day.

Subclause (2) – Extends clause 376 in relation to the protection from liability when information is provided in good faith to information (including opinion) provided to the Commissioner in good faith under section 15B, 18(4c) or Part 6 of the 1973 Act as if provided under Part 12 of the Bill.

## **Part 17 — Repeals and consequential and related amendments**

### **Division 1 — Act repealed**

#### **Clause 438. *Firearms Act 1973* repealed**

This clause repeals the 1973 Act.

### **Division 2 — Subsidiary legislation repealed**

#### **Clause 439. *Firearms Regulations 1974* repealed**

This clause repeals the *Firearms Regulations 1974*.

### **Division 3 — Acts amended**

#### **Subdivision 1 — *Children and Community Services Act 2004* amended**

##### **Clause 440. Act amended**

This clause amends the *Children and Community Services Act 2004*.

##### **Clause 441. Section 112 amended**

This clause replaces the definition of ***firearm article*** to be consistent with the terms defined within the Bill.

#### **Subdivision 2 — *Corruption, Crime and Misconduct Act 2003* amended**

##### **Clause 442. Act amended**

This clause amends the *Corruption, Crime and Misconduct Act 2003*.

##### **Clause 443. Section 184 amended**

This clause removes reference to the 1973 Act and replaces it with reference to the Bill.

##### **Clause 444. Section 229 inserted**

This clause inserts a new clause under Part 15 – Transitional matters that provides a reference in Schedule 1 clause 2 to an offence under a provision of the Bill Part 5 Divisions 1 to 4 includes an offence against regulations made under the 1973 Act section 6(1).

##### **Clause 445. Schedule 1 amended**

This clause replaces reference to regulations made under the 1973 Act to Part 5 Divisions 1 to 4 of the Bill.

#### **Subdivision 3 — *Court Security and Custodial Services Act 2003* amended**

**Clause 446. Act amended**

This clause amends the *Court Security and Custodial Services Act 2003*.

**Clause 447. Section 90 amended**

This clause removes reference to the definition of **firearm** under the 1973 Act and replaces it with reference to the definition of firearm under clause 6 of the Bill.

**Clause 448. Section 95 amended**

This clause replaces terminology from, and reference to, the 1973 Act and replaces it with equivalent terminology and reference to the Bill.

**Subdivision 4 — *The Criminal Code* amended**

**Clause 449. Act amended**

This clause amends the *Criminal Code*.

**Clause 450. Section 68D amended**

This clause removes reference to the definition of a **prescribed amount** of money under the 1973 Act and replaces it with reference to the definition of **prescribed amount** under clause 223 of the Bill.

**Clause 451. Section 378 amended**

This clause removes reference to the definition of **firearm** under the 1973 Act and replaces it with reference to the definition of **firearm** under clause 6 of the Bill.

**Clause 452. Section 417A amended**

This clause removes reference to the definition of **firearm** under the 1973 Act and replaces it with reference to the definition of **firearm** under clause 6 of the Bill.

**Subdivision 5 — *Criminal Investigation (Covert Powers) Act 2012* amended**

**Clause 453. Act amended**

This clause amends the *Criminal Investigation (Covert Powers) Act 2012*.

**Clause 454. Section 5 amended**

This clause removes reference to the 1973 Act and replaces it with reference to the Bill.

**Subdivision 6 — *Criminal Organisations Control Act 2012* amended**

**Clause 455. Act amended**

This clause amends the *Criminal Organisations Control Act 2012*.



**Clause 456. Section 3 amended**

This clause replaces terminology from, and reference to, the 1973 Act and replaces it with equivalent terminology and reference to the Bill.

**Clause 457. Section 80 amended**

This clause replaces the licences referenced under the 1973 Act with the equivalent licences under the Bill. This clause adds Business Licence to the licences captured by this section.

**Clause 458. Section 83 amended**

This clause removes reference to the 1973 Act and replaces it with reference to the Bill.

**Clause 459. Section 84 amended**

This clause replaces terminology from, and reference to, the 1973 Act and replaces it with equivalent terminology and reference to the Bill.

**Subdivision 7 — *Cross-border Justice Act 2008* amended**

**Clause 460. Act amended**

This clause amends the *Cross-border Justice Act 2008*.

**Clause 461. Section 68 amended**

This clause removes reference to section 27A or 28 the 1973 Act and replaces it with reference to section 369 of the Bill.

**Subdivision 8 — *Disposal of Uncollected Goods Act 1970* amended**

**Clause 462. Act amended**

This clause amends the *Disposal of Uncollected Goods Act 1970*.

**Clause 463. Schedule amended**

This clause removes reference to the 1973 Act and replaces it with reference to the Bill.

**Subdivision 9 — *Domestic Violence Orders (National Recognition) Act 2017* amended**

**Clause 464. Act amended**

This clause amends the *Domestic Violence Orders (National Recognition) Act 2017*.

**Clause 465. Section 21 amended**

This clause replaces terminology from, and reference to, the 1973 Act and replaces it

with equivalent terminology and reference to the Bill.

**Subdivision 10 — *Fair Trading Act 2010* amended**

**Clause 466. Act amended**

This clause amends the *Fair Trading Act 2010*.

**Clause 467. Schedule 1 amended**

This clause removes reference to the 1973 Act and replaces it with reference to the Bill.

**Subdivision 11 — *Firearms Act 2024* amended**

**Clause 468. Act amended**

This clause amends the *Firearms Act 2024*.

**Clause 469. Section 11 amended**

This clause removes reference 'unsoundness of mind' and replaces it with reference to 'mental impairment' which is consistent with section 412 of the *Criminal Law (Mental Impairment) Act 2023*.

**Subdivision 12 — *Major Events Act 2023* amended**

**Clause 470. Act amended**

This clause amends the *Major Events Act 2023*.

**Clause 471. Section 4 amended**

This clause removes reference to the definition of **firearm** under the 1973 Act and replaces it with reference to the definition of **firearm** under clause 6 of the Bill.

**Subdivision 13 — *Pawnbrokers and Second-hand Dealers Act 1994* amended**

**Clause 472. Act amended**

This clause amends the *Pawnbrokers and Second-hand Dealers Act 1994*.

**Clause 473. Section 4 amended**

This clause replaces terminology from, and reference to, the 1973 Act and replaces it with equivalent terminology and reference to the Bill.

**Subdivision 14 — *Prisons Act 1981* amended**

**Clause 474. Act amended**

This clause amends the *Prisons Act 1981*.

**Clause 475. Section 49B amended**

This clause replaces terminology from, and reference to, the 1973 Act and replaces it with equivalent terminology and reference to the Bill.

**Subdivision 15 — *Prohibited Behaviour Orders Act 2010* amended**

**Clause 476. Act amended**

This clause amends the *Prohibited Behaviour Orders Act 2010*.

**Clause 477. Section 3 amended**

This clause replaces terminology from, and reference to, the 1973 Act and replaces it with equivalent terminology and reference to the Bill.

**Subdivision 16 — *Restraining Orders Act 1997* amended**

**Clause 478. Act amended**

This clause amends the *Restraining Orders Act 1997*.

**Clause 479. Section 3 amended**

This clause replaces terminology from, and reference to, the 1973 Act and replaces it with equivalent terminology and reference to the Bill.

**Clause 480. Section 14 amended**

This clause deletes section 14(5) to (7) to prevent persons subject to family violence restraining orders, conduct agreement orders or violence restraining orders from being permitted to retain possession of firearms or related things under any circumstance. Since the Bill disqualifies recipients of disqualifying orders (including the above orders) from holding a firearm authority for a prescribed period, sections 14(5) to (7) of the *Restraining Orders Act 1997* were not compatible with the firearm authority regime introduced by this Act, hence the deletion.

**Subdivision 17 — *Security and Related Activities (Control) Act 1996* amended**

**Clause 481. Act amended**

This clause amends the *Security and Related Activities (Control) Act 1996*.

**Clause 482. Section 3 amended**

This clause removes reference to the definition of **firearm** under the 1973 Act and replaces it with reference to the definition of **firearm** under clause 6 of the Bill.

**Clause 483. Section 24 amended**

This clause removes reference to the 1973 Act and replaces it with reference to the Bill.

**Clause 484. Section 25 amended**

This clause removes reference to the 1973 Act and replaces it with reference to the Bill.

**Subdivision 18 — *Sentencing Act 1995* amended**

**Clause 485. Act amended**

This clause amends the *Sentencing Act 1995*.

**Clause 486. Section 106 amended**

Subclauses (1) and (2) — Removes reference to the 1973 Act and replaces it with reference to the Bill.

Subclause (3) — Removes reference to the definition of **firearm** under the 1973 Act and replaces it with reference to the definition of **firearm** under clause 6 of the Bill.

Subclause (4) — Within the definition of **firearms offence**, removes reference to the 1973 Act and replaces it with reference to the Bill.

**Clause 487. Section 124G amended**

This clause replaces the language ‘obtaining a licence, permit or authorisation’ with ‘being granted a licence, permit or approval’ for consistency with language in the new legislative regime.

This clause reference to the 1973 Act and replaces it with reference to the Bill.

**Clause 488. Schedule 1A amended**

This clause amends Schedule 1A to replace reference to offences under the 1973 Act to the equivalent offences under the Bill.

**Subdivision 19 — *Spent Convictions Act 1988* amended**

**Clause 489. Act amended**

This clause amends the *Spent Convictions 1988*.

**Clause 490. Schedule 3 amended**

This clause removes reference to a licence under the 1973 Act and replaces it with reference to a firearm authority under the Bill.

**Subdivision 20 — *Weapons Act 1999* amended**

**Clause 491. Act amended**

This clause amends the *Weapons Act 1999*.

**Clause 492. Section 3 amended**

This clause removes reference to the definition of *firearm* under the 1973 Act and replaces it with reference to the definition of *firearm* under clause 6 of the Bill.