

# NORTHERN TERRITORY OF AUSTRALIA

## FIREARMS ACT

As in force at 15 July 2001

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 15 July 2001

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## FIREARMS ACT

An Act to provide for the regulation, control and registration of firearms, and  
for related purposes

### Part 1 Preliminary

#### 1 Short title

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

#### 2 Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

#### 3 Interpretation

(1) In this Act, unless the contrary intention appears:

***air pistol*** means a pistol that propels, or is capable of propelling, a projectile by means of compressed gas or air.

***ammunition*** means:

- (a) an article consisting of a cartridge case fitted with a primer and a projectile other than an inert round;
- (b) an article consisting of a cartridge case fitted with a primer and containing a propelling charge and a projectile;
- (c) a blank cartridge, air gun pellet, training cartridge or gas cartridge; or
- (d) an article prescribed for the purposes of this definition.

***approved*** means approved by the Commissioner.

***certificate of registration*** means a certificate of registration issued under section 36.

***Commissioner*** means the Commissioner of Police.

**corresponding**, in relation to a licence or permit, means a licence or permit in force under a law of a State or another Territory of the Commonwealth that, in the opinion of the Commissioner, corresponds to a licence or permit under this Act.

**Council** means the Firearms Advisory Council established by section 55.

**determined fee** means a fee determined under section 6.

**disqualifying offence** means:

- (a) an offence prescribed by the Regulations to be a disqualifying offence; or
- (b) an offence against a law of the Commonwealth, a State or another Territory of the Commonwealth that is the same or substantially the same as an offence prescribed under paragraph (a).

**firearm** means a device or part of a device (whether or not assembled, operable or temporarily or permanently inoperable) that is designed or adapted to discharge shot, a bullet or other missile:

- (a) by expanding gases produced in the device;
- (b) by igniting combustible material; or
- (c) by compressed air or other compressed gases (whether stored in the device or attached to the device in pressurised containers).

**firearms club** means a shooting union, association, club or other group of persons, however described, who associate for purposes connected with the use of firearms.

**holder**, in relation to a licence, permit or certificate of registration, means the person to whom it is granted.

**interim restraining order** means:

- (a) an order made under section 4 of the *Domestic Violence Act* where the defendant was not present at the hearing of the application because the defendant was not summoned to appear;
- (b) an order made under section 4 of the *Domestic Violence Act* where the application is adjourned for confirmation or further hearing; or



- (c) an order made under section 6(3) of the *Domestic Violence Act*.

**international competitor** means a person who resides outside Australia and who is visiting Australia for the purpose of competing in an approved shooting competition.

**interstate restraining order** has the same meaning as in the *Domestic Violence Act*.

**land** includes land covered by water and the water covering the land.

**licence** means a licence granted under Part 3.

**machine-gun** means:

- (a) a firearm (including a pistol) that discharges or is capable of discharging more than one cartridge on a single release of a trigger mechanism; and
- (b) a firearm referred to in paragraph (a) from which, for the time being, a cartridge cannot be discharged because of the absence or defect of a part or an obstruction in the firearm, but from which, if the part were replaced, renewed or repaired or the obstruction removed, a cartridge could be discharged.

**offence of violence** means:

- (a) an offence prescribed by the Regulations to be an offence of violence; or
- (b) an offence against a law of the Commonwealth, a State or another Territory of the Commonwealth that is the same or substantially the same as an offence prescribed under paragraph (a).

**permit** means a permit granted under Part 4.

**pistol** means a firearm that is:

- (a) capable of being used in, or adapted to be aimed and discharged using, one hand only; and
- (b) capable of being concealed on or about the person.

**possess or use**, in relation to a firearm or ammunition, includes to carry, have under control, test, discharge, repair and store the firearm or ammunition.

**premises** includes buildings and land.

**prohibited firearm** a firearm or item specified in Schedule 1.

**register** means the register required to be kept under section 7.

**registered** means registered under this Act.

**restraining order** means:

- (a) an order made under section 4 or 6 of the *Domestic Violence Act* (including in pursuance of section 5 of that Act) that is not an interim restraining order; or
- (b) an interstate restraining order.

**sale** includes a transfer or disposal otherwise than for valuable consideration.

**shooting range** means an area of land established or reserved primarily for the purpose of discharging firearms.

**silencer** means:

- (a) a device capable of being used to suppress the noise of the discharge of a firearm; and
- (b) a device referred to in paragraph (a) that, for the time being, does not suppress the noise of the discharge of a firearm because of the absence or defect of a part of the device but would, if the part were replaced, renewed or repaired, suppress the noise of the discharge of a firearm.

**starting pistol** means a device that is used or designed to control the start of an event at a sporting fixture that is not capable of discharging shot, a bullet or other missile.

**Tribunal** means the Firearms Appeal Tribunal established by section 50.

**working day** means a day that is not a Saturday, Sunday or public holiday within the meaning of the *Public Holidays Act*.

(1A) For the purposes of the definition of **firearm** in subsection (1), a part of a device means:

- (a) a rifle or shotgun action; or
- (b) a pistol or revolver frame.

- (2) A reference in this Act to:
- (a) a category A firearm is to a firearm of a type specified in Schedule 2;
  - (b) a category B firearm is to a firearm of a type specified in Schedule 3;
  - (c) a category C firearm is to a firearm of a type specified in Schedule 4;
  - (d) a category D firearm is to a firearm of a type specified in Schedule 5; and
  - (e) a category H firearm is to a firearm of a type specified in Schedule 6.
- (3) For the purposes of this Act, a person deals in firearms if the person buys, sells, exchanges or hires out firearms in the course of his or her business, whether or not the person, in the course of the business, repairs firearms.
- (4) For the purposes of this Act, a firearm is sold when the possession of the firearm passes from the person who sells the firearm (or if the firearm is sold by the holder of a firearms dealer licence, from a partner or employee of the holder) to another person.

#### **4 Exemptions**

- (1) This Act does not apply to or in relation to:
- (a) a person who is a member of the Defence Force referred to in Division 1 of Part 3 of the *Defence Act 1903* of the Commonwealth who is using a firearm that is the property of the Force for purposes concerned with the Force;
  - (b) an explosive-powered tool or compressed air nailing tool;
  - (c) a firearm that was manufactured before 1900 and for which cartridge ammunition is not commercially available;
  - (d) a spear-gun;
  - (e) a pistol designed to be used for life-saving, rescuing or distress signal purposes; or
  - (f) a firearm or a type of firearm referred to in a notice under section 8(1)(b).

- (2) This Act does not apply to or in relation to a starting pistol that is the property of a sporting association or body if:
- (a) the association or body is affiliated with the governing body for its sport in the Territory;
  - (b) the starting pistol is used at sporting fixtures organised and controlled by the sporting association or body;
  - (c) the starting pistol is in the possession of an adult when at or being transported to or from the sporting fixture; and
  - (d) the starting pistol is stored in accordance with the storage requirements under this Act.
- (3) Parts 3 and 5 do not apply to or in relation to a person who is a common carrier in respect of the person's possession of a firearm that:
- (a) is not the person's property; and
  - (b) forms part of a consignment of goods in the person's possession as a common carrier.
- (4) Part 3 and sections 58, 59, 66, 77, 78, 79, 80, 82 and 83 do not apply to or in relation to:
- (a) a member of the Police Force;
  - (b) a member of the Australian Federal Police;
  - (c) a member of a police force of a State or another Territory of the Commonwealth
  - (d) a member of the Australian Customs Service;
  - (e) a member of the Australian Protective Service; or
  - (f) an officer, within the meaning of the *Prisons (Correctional Services) Act*,
- in respect of his or her possession or use of a firearm in the course of his or her duty as a member or officer.
- (5) Sections 78 and 79 do not apply to or in relation to a person who is:
- (a) an employee, within the meaning of the *Public Sector Employment and Management Act*, or
  - (b) an officer or employee, within the meaning of the *Public Service Act 1922* of the Commonwealth,

in respect of the person's possession or use, in the course of his or her duty as such an employee or officer, of a firearm the property of the Territory or the Commonwealth.

- (6) The Commissioner may, by written notice, declare that such provisions of this Act as the Commissioner thinks fit and specifies in the notice do not apply, or apply in accordance with such conditions as are specified in the notice:
- (a) to certain persons in relation to their activities at a shooting gallery, amusement parlour or similar place; or
  - (b) in relation to firearms amnesties generally or periods specified in the notice as amnesty periods,

and those provisions do not apply or apply only subject to those conditions.

## **Part 2                      Administration**

### **5                      Delegation**

- (1) The Commissioner may, in writing, delegate to a member of the Police Force or an employee, within the meaning of the *Public Sector Employment and Management Act*, any of the Commissioner's powers and functions under this Act, other than this power of delegation.
- (2) A delegation under this section may be to a named member or employee or to a member or employee from time to time holding, acting in or performing the duties of an office, rank, designation or position.
- (3) A power or function delegated under this section, when exercised or performed by the delegate, is to be taken to have been exercised or performed by the Commissioner.
- (4) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Commissioner.

### **6                      Fees**

- (1) The Minister may, by notice in the *Gazette*, determine the fees payable under this Act.
- (2) The Commissioner may waive or reduce a determined fee in relation to a matter or thing or a class of matters or things.

## **7 Register**

- (1) The Commissioner is to cause to be kept a register containing a record of those particulars that the Commissioner determines of:
  - (a) all registered firearms; and
  - (b) all licences and permits.
- (2) The register may be kept:
  - (a) in a form or combination of forms;
  - (b) on a medium or combination of mediums; and
  - (c) in a manner,  
that the Commissioner thinks fit and, for the purposes of paragraph (b), a medium includes but is not limited to:
    - (d) a computer;
    - (e) micro film; or
    - (f) paper.
- (3) The register is to be maintained in a form that:
  - (a) enables it to be linked to the National Exchange of Police Information (NEPI) scheme; and
  - (b) enables a firearm authority of a State or another Territory of the Commonwealth to have access to information in the register.

## **8 Declarations by Commissioner**

- (1) The Commissioner may, by notice in the *Gazette*, declare:
  - (a) a firearm or a type of firearm to be a firearm of a particular category of firearm; or
  - (b) a firearm or a type of firearm to be a firearm that is exempt from the operation of this Act.
- (2) A notice under subsection (1) may specify a firearm or type of firearm by reference to particulars of the firearm or type of firearm that may include the calibre, mechanism, manufacturer, magazine capacity, fixture attached to a firearm or other particulars by which a firearm or a type of firearm may be identified.

- (3) The Commissioner may, on application by a person in possession of a firearm and after examination of the firearm, by written notice, certify that the firearm is permanently incapable of use as a firearm.
- (4) A reference in this Act to a category of firearm includes a firearm or type of firearm in respect of which a declaration is made under subsection (1)(a).

## **Part 3            Licences**

### **Division 1        Application for licence**

#### **9                  Application for licence**

- (1) An application for a licence is to be:
  - (a) in the approved form;
  - (b) accompanied by the determined fee; and
  - (c) lodged with the Commissioner.
- (2) An applicant for a licence is:
  - (a) if the applicant is a natural person, to be at least 18 years of age unless the licence applied for is a firearms club junior licence;
  - (b) to provide proof of the applicant's identity in accordance with the requirements under the *Financial Transaction Reports Act 1988* of the Commonwealth that apply in respect of the opening of a bank account; and
  - (c) to provide such other particulars or documents, if any, as the Commissioner requires.
- (3) A person cannot apply for a licence if the person is prohibited from applying for or holding a licence to own or possess a firearm:
  - (a) under this or any other Act;
  - (b) under an Act of the Commonwealth, a State or another Territory of the Commonwealth; or
  - (c) by an order or direction of a court (whether made or given in the Territory or elsewhere).

- (4) An application for a firearms corporate licence is to contain:
- (a) the name of the person (who must be an employee of the applicant) who will be the representative of the holder of the licence in respect of activities conducted under the licence; and
  - (b) the names and addresses of persons who will:
    - (i) be responsible for the security of firearms possessed under the licence;
    - (ii) have direct access to firearms possessed under the licence; or
    - (iii) have control over issuing firearms possessed under the licence to employees of the holder of the licence.
- (5) An application for a firearms museum licence is to contain:
- (a) the name of the person who will be the representative of the holder of the licence in respect of activities conducted under the licence; and
  - (b) the names and addresses of persons who:
    - (i) will be responsible for the security of firearms possessed under the licence; or
    - (ii) will have direct access to firearms possessed under the licence.
- (6) An application for a firearms club licence is to contain:
- (a) the name of the person (who must be a member of the governing body or committee of the firearms club) who will be the representative of the holder of the licence in respect of activities conducted under the licence; and
  - (b) the names and addresses of persons who will be responsible for the security of the firearms stored at premises occupied by the firearms club.

## **10            General restrictions on grant of licence**

- (1) The Commissioner, on receiving an application for a licence, may grant or refuse to grant the licence.



- (2) Subject to subsection (5), the Commissioner is not to grant a shooter's licence or a firearms club junior licence until 28 days after the day on which the application is made.
- (2A) The Commissioner is not to grant a licence to a person who has been found guilty of an offence in which a firearm was involved unless:
  - (a) in a case where, on the trial or hearing in relation to the offence:
    - (i) an order under section 10 or 11 of the *Sentencing Act* or referred to in section 130(2) of that Act (or a provision of a law in force in the jurisdiction in which the offence was committed that, in the opinion of the Commissioner, is of similar effect) has been made directing that the person be discharged on giving security in accordance with the section; or
    - (ii) a pecuniary penalty only has been imposed,and not less than 12 months have elapsed since the person was found guilty of the offence; and
  - (b) in the case where a custodial sentence was imposed – 2 years have elapsed since the applicant was found guilty of the offence or released from custody, whichever is the later.
- (2B) The Commissioner is not to grant a licence if the Commissioner has reasonable cause to believe that the applicant has failed to supply material information or has supplied information that is false or misleading.
- (3) The Commissioner is not to grant a licence unless satisfied that the applicant:
  - (a) is at least 18 years of age unless the licence applied for is a firearms club junior licence;
  - (b) is a fit and proper person;
  - (c) has completed an approved firearms training and safety course;
  - (d) is able to meet the storage and safety requirements under this Act;
  - (e) resides in the Territory or is about to become a resident of the Territory;

- (f) has not, within the period of 10 years before the application for the licence was made, been found guilty in the Territory or elsewhere of a disqualifying offence;
  - (fa) has not, within the period of 5 years before the application for the licence was made, been found guilty in the Territory or elsewhere of an offence of violence;
  - (g) is not subject to a restraining order or has not, within the period of 5 years before the application for the licence was made, been subject to a restraining order; or
  - (h) is not subject to an order, made in the Territory or elsewhere, to keep the peace.
- (4) Without limiting subsection (3)(b), the Commissioner is not to grant a licence if the Commissioner has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over firearms because of:
- (a) the applicant's way of living or domestic circumstances;
  - (b) any attempts by the applicant to commit suicide or cause a self-inflicted injury; or
  - (c) the applicant's intemperate habits or being of unsound mind.
- (5) The Commissioner may grant a shooter's licence before the expiration of the period referred to in subsection (2) where the applicant was, at the time of making the application, the holder of a shooter's licence and the prescribed checks (if any) have been completed.
- (6) Subsection (3)(c) does not apply to an applicant who at the time of making the application was already the holder of a licence.
- (7) Except in the case of a firearms dealer licence, firearms museum licence, firearms club licence or firearms corporate licence, a licence may only be granted to an individual.
- (8) The Commissioner may refuse to grant a licence if the Commissioner considers that the grant of the licence would be contrary to the public interest.
- (9) The Regulations may provide other mandatory or discretionary grounds for refusing to grant a licence.

**10A            General restrictions on grant of firearms corporate licence, firearms museum licence and firearms club licence**

- (1) The Commissioner may refuse to grant a firearms corporate licence, firearms museum licence or firearms club licence if, in respect of the particular application:
- (a) the person nominated under section 9(4)(a), (5)(a) or (6)(a) does not hold a licence; or
  - (b) the Commissioner is not satisfied that the person would be granted a licence under section 10 if he or she were to apply for a licence.

**11             Genuine reason for licence**

- (1) The Commissioner is not to grant a licence:
- (a) unless satisfied that the applicant has a genuine reason for possessing and using firearms;
  - (b) in respect of a category C firearm, category D firearm or category H firearm, unless satisfied that the applicant has a genuine need for possessing and using firearms of that category; and
  - (c) unless satisfied that the applicant meets the requirements under this Act in respect of that reason or need.
- (2) The genuine reasons for possessing or using firearms are any of the following:
- (a) sports shooting;
  - (b) recreational shooting or hunting;
  - (c) primary production;
  - (d) vertebrate pest animal control;
  - (e) business or employment;
  - (f) occupational requirements;
  - (g) animal welfare;
  - (h) firearms collection;
  - (j) museum display;
  - (k) inheritance;

- (m) instruction in firearms use and safety.

## **Division 2            General provisions**

### **12            Form of licence**

A licence is to contain:

- (a) the prescribed particulars; and
- (b) a recent photograph of the holder obtained in accordance with the approved arrangements.

### **13            General conditions of licence**

- (1) A licence is subject to the conditions that the holder:
  - (a) must comply with the relevant safe keeping and storage requirements under this Act;
  - (b) must not permit any other person to possess or use a firearm in the holder's possession if that other person is not authorised to possess or use the firearm;
  - (c) must permit a member of the Police Force to inspect, at any reasonable time, the holder's facilities for the storage and safe keeping of the firearms in the holder's possession; and
  - (d) must not possess, at any one time, an amount of ammunition that exceeds the amount, if any, authorised in writing by the Commissioner.
- (2) In addition to subsection (1), a licence is subject to:
  - (a) the conditions that are prescribed; and
  - (b) the conditions specified by the Commissioner.
- (3) A licence is not transferable.

### **14            Period of licence**

- (1) Subject to this Act:
  - (a) a shooter's licence that authorises the possession or use of:
    - (i) category A or category B firearms remains in force for 5 years;
    - (ii) category C firearms remains in force for 3 years;

- (iii) category D firearms remains in force for one year or a shorter period as determined by the Commissioner and specified in the licence;
    - (iv) category H firearms remains in force for one year;
  - (b) a firearms club junior licence remains in force until the holder attains the age of 18 years;
  - (c) a firearms armourer licence, firearms dealer licence and firearms corporate licence remains in force for one year;
  - (d) a firearms employee licence remains in force for one year or a shorter period as determined by the Commissioner and specified in the licence;
  - (e) a firearms collector licence remains in force for 5 years;
  - (f) a firearms club licence remains in force for 3 years; and
  - (g) a firearms instructor licence remains in force for one year.
- (1A) If a person holds a shooter's licence that authorises the possession or use of more than one category of firearm, the shooter's licence remains in force for the shortest period prescribed under subsection (1) in respect of the categories of firearm to which the licence relates.
- (2) Subject to this Act, a licence expires 3 months after the holder ceases to reside permanently in the Territory.

### **Division 3            Shooter's licence**

#### **15            Shooter's licence**

A shooter's licence authorises the holder to possess and use only firearms of a category specified in the licence.

### **Division 4            Firearms dealer licence**

#### **16            Firearms dealer licence**

A firearms dealer licence authorises the holder to possess, use and deal in only firearms of a category specified in the licence.

**17                      Security measures required by dealer**

- (1) The holder of a firearms dealer licence must ensure that all firearms possessed under the licence are stored in accordance with:
- (a) the safe keeping and storage requirements under this Act; and
  - (b) the safe keeping and storage requirements, if any, determined by the Commissioner.

Penalty:            50 penalty units or imprisonment for 12 months.

- (2) Subsection (1) does not apply to or in relation to a firearm:
- (a) in the actual possession; or
  - (b) being displayed to a person under the immediate and continuous supervision,  
  
of the holder of the firearms dealer licence, a partner or an employee of the holder in the normal course of business of the holder.
- (3) The holder of a firearms dealer licence or a partner or employee of the holder may, in the normal course of the business of the holder, remove a firearm from the premises used by the holder under the licence:
- (a) to demonstrate the firearm to, for or on behalf of a prospective purchaser; or
  - (b) to test the firearm.

**18                      Records and returns to be kept by dealers**

- (1) The holder of a firearms dealer licence must keep and maintain a register containing the prescribed particulars of all firearms possessed under the licence.
- (2) The holder of a firearms dealer licence must, not later than 24 hours after a sale, purchase or repair of a firearm by the dealer, record in the dealer's register the prescribed particulars of the firearm and the prescribed details of the sale, purchase or repair.

- (3) The holder of a firearms dealer licence must, not later than 7 days after the last day of March, June, September and December in each year, give to the Commissioner, in the prescribed form, a record in relation to the 3 months immediately preceding the relevant last day, of:
  - (a) all purchases and sales of firearms made by the dealer; and
  - (b) if the dealer stores firearms, the firearms in the dealer's possession or deposited with the dealer for storage.
- (4) The holder of a firearms dealer licence must, on demand by a member of the Police Force:
  - (a) produce a record required to be kept under this section to the member and permit the member to inspect and make copies of any entries in it; and
  - (b) provide to the member any information in the holder's possession with respect to any firearm that has been manufactured, purchased or received under the authority of the firearms dealer licence, or that the person has in his or her possession or has sold or otherwise transferred or repaired under the authority of the licence.
- (5) A person must not alter an entry in a record required to be kept under this section other than by interlineation or striking out that does not make the entry illegible.
- (6) The holder of a firearms dealer licence must, not later than 24 hours after becoming aware of the loss, theft or destruction of a firearm that was in the possession of the holder, notify the Commissioner of the loss, theft or destruction in the approved form.
- (7) The holder of a firearms dealer licence must ensure that a record required by this Act to be kept by the holder is kept in a place of safe keeping.
- (8) The holder of a firearms dealer licence must, if written notice is served on the holder by the Commissioner, provide to the Commissioner, not later than the time specified in the notice and in the form provided by the Commissioner, the particulars relating to the acquisition, disposition or possession by the holder of any firearms as are required by the notice.

Penalty:        20 penalty units or imprisonment for 6 months.

**19                Production of firearms**

A member of the Police Force may require the holder of a firearms dealer licence, or a partner or employee of the holder, to produce a firearm in his or her possession.

Penalty:        20 penalty units or imprisonment for 6 months.

**20                Restriction on employing certain persons**

The holder of a firearms dealer licence must not employ a person to perform duties under the licence or permit a person to assist in the conduct of the business under the licence if the person has been refused a firearms dealer licence or has had a firearms dealer licence that was granted to the person cancelled or suspended.

Penalty:        50 penalty units or imprisonment for 12 months.

**21                Interstate transactions between dealers**

Despite anything to the contrary in this Act, the holder of a firearms dealer licence is, for the purposes of a transaction between the holder and the holder of a corresponding licence, authorised to buy a firearm from the holder of that corresponding licence.

**Division 5                Firearms armourer licence**

**22                Firearms armourer licence**

- (1) A firearms armourer licence authorises the holder to possess, use, repair, manufacture, modify, service and store only firearms of a category specified in the licence.
- (2) The holder of a firearms armourer licence, or a partner or an employee of the holder, with the authority of the holder, may, in the normal course of the business of the holder, remove a firearm from premises used by the holder under the licence to test it.
- (3) The holder of a firearms armourer licence must ensure that all firearms possessed under the licence are stored in accordance with:
  - (a) the safe keeping and storage requirements under this Act; and
  - (b) the safe keeping and storage requirements, if any, determined by the Commissioner.

Penalty:        50 penalty units or imprisonment for 12 months.



- (4) Subsection (3) does not apply to or in relation to a firearm in the actual possession of the holder, or a partner or an employee of the holder, in the normal course of the business of the holder.
- (5) The holder of a firearms armourer licence must keep a record in the prescribed form containing particulars of all firearms possessed under the licence.

Penalty:        20 penalty units or imprisonment for 6 months.

## **23                Production of firearms, records, &c.**

- (1) A member of the Police Force may require the holder of a firearms armourer licence, or a partner or employee of the holder, to produce a firearm in his or her possession or a record kept under this Act.

Penalty:        20 penalty units or imprisonment for 6 months.

- (2) A member of the Police Force may:
  - (a) examine a record referred to in subsection (1);
  - (b) make copies of, or take extracts from, the record; and
  - (c) retain the record for such reasonable period as the member thinks fit.

## **Division 6                Firearms collector licence**

### **24                Firearms collector licence**

- (1) A firearms collector licence authorises the holder to possess and display only firearms of a category specified in the licence.
- (2) The holder of a firearms collector licence must ensure that all firearms possessed under the licence are stored in accordance with:
  - (a) the safe keeping and storage requirements under this Act; and
  - (b) the safe keeping and storage requirements, if any, determined by the Commissioner.

Penalty:        50 penalty units or imprisonment for 12 months.

- (3) The holder of a firearms collector licence:
- (a) must give to the Commissioner, not later than 14 days after the anniversary of the grant of the licence, or when requested to do so by a member of the Police Force, a record in the prescribed form of all firearms:
    - (i) in the holder's possession under the licence;
    - (ii) that were purchased or acquired by the holder in the preceding 12 months; and
    - (iii) that were sold or disposed of by the holder in the preceding 12 months; and
  - (b) when requested by a member of the Police Force, must allow the member:
    - (i) to inspect all firearms in the holder's possession under the licence; and
    - (ii) to inspect the premises and the receptacles in which those firearms are kept.

Penalty:        20 penalty units or imprisonment for 6 months.

## **25                      Use of firearm under firearms collector licence**

- (1) The holder of a firearms collector licence must not use, or carry for the purpose of using, a firearm to which the licence relates unless he or she does so in accordance with a permit.
- Penalty:        50 penalty units or imprisonment for 12 months.
- (2) The Commissioner is, by notice served on the holder of a firearms collector licence, to revoke the licence where the holder is found guilty of an offence against subsection (1).

## **Division 7                      Firearms corporate licence**

### **26                      Firearms corporate licence**

- (1) A firearms corporate licence authorises the holder to possess only firearms of a category specified in the licence.
- (2) The holder of a firearms corporate licence must not permit a person to possess a firearm possessed under the licence unless the person is the holder of a firearms employee licence or firearms instructor licence and is an employee of the holder and the firearm is in the possession of the person for a purpose relating to his or

her duties as an employee.

Penalty:        50 penalty units or imprisonment for 12 months.

## **Division 8            Firearms employee licence**

### **27            Firearms employee licence**

- (1) A firearms employee licence authorises the holder to possess and use only firearms of a category specified in the licence that are possessed by his or her employer under a firearms corporate licence for a purpose relating to his or her duties as an employee.
- (2) A firearms employee licence is immediately revoked if the holder ceases to be employed by the holder of the corporate licence whose firearms the holder is permitted to possess and use under the firearms employee licence.

## **Division 9            Firearms club junior licence**

### **28            Firearms club junior licence**

A firearms club junior licence authorises the holder to possess and use only firearms of a category specified in the licence and only:

- (a) when under the personal supervision of the holder of a licence who is authorised to possess or use firearms of the same category; and
- (b) for the purpose of receiving instruction in the safe use of firearms at an approved shooting range or competing in an approved event.

## **Division 10            Firearms museum licence**

### **29            Firearms museum licence**

A firearms museum licence authorises the holder to exhibit and show only firearms of a category specified in the licence.

## **Division 11            Firearms heirloom licence**

### **30            Firearms heirloom licence**

A firearms heirloom licence authorises the holder to possess only a firearm, or firearms of a matched pair or set, specified in the licence.

## **Division 12      Firearms club licence**

### **30A      Firearms club licence**

A firearms club licence authorises:

- (a) the holder of the licence;
- (b) the members of the firearms club; and
- (c) persons permitted by the firearms club to be on premises occupied by it and approved under section 49(2),

to possess and use firearms of a category specified in the licence for sport shooting or training purposes.

### **30B      Records to be kept by firearms clubs**

- (1) The holder of a firearms club licence must keep and maintain records containing:
  - (a) the names and addresses of all present and past members for the firearms club;
  - (b) the financial status of members;
  - (c) in respect of each member – particulars of competition shooting and events organised or co-ordinated by the firearms club that the member has participated including the date of the competition or event and the time when the member commenced and finished competing; and
  - (d) the names of range officers and other persons responsible for conducting competition shooting and events organised or co-ordinated by the firearms club and the dates and times when they were responsible for conducting a competition or event.
- (2) The holder of a firearms club licence must, on demand by a member of the Police Force, produce to the member a record kept under subsection (1).

Penalty:      20 penalty units or imprisonment for 6 months.

- (3) A member of the Police Force may:
  - (a) examine a record kept under subsection (1);
  - (b) make copies of, or take extracts from, the record; and
  - (c) retain the record for any reasonable period that the member thinks fit.

**Division 13      Firearms instructor licence****30C      Firearms instructor licence**

A firearms instructor licence authorises the holder to possess and use firearms of a category specified in the licence for the purpose of conducting approved firearms training and safety courses

**Part 4              Permits****31              Grant of permits**

The Commissioner may grant a permit for one or more of the following purposes:

- (a) to authorise a person to purchase, hire, lease or acquire a firearm;
- (b) to authorise the possession or use of a firearm by a person residing temporarily in the Territory;
- (c) to authorise the use by the holder of a firearms collector licence of a firearm possessed under the licence;
- (d) to authorise the possession or use of firearms for film, theatrical productions or other artistic purposes;
- (e) to authorise the acquisition, sale or transfer of a firearm in such circumstances as may be prescribed;
- (f) to authorise the shortening or conversion of a firearm;
- (fa) to authorise the temporary possession or use of a firearm by the holder of a licence for a specified reason not covered by the holder's licence;
- (g) to authorise anything else for which provision is made by the Regulations and required by the Regulations to be authorised by a permit.

**32              Application for permit**

An application for a permit is to be:

- (a) in the approved form;
- (b) accompanied by the determined fee; and
- (c) lodged with the Commissioner.

**33 General restrictions on granting permits**

- (1) The Commissioner is not to grant a permit unless satisfied that the applicant:
- (a) is at least 18 years of age or the applicant is the holder of a firearms club junior licence;
  - (b) is a fit and proper person;
  - (c) has not, within 10 years before the application for the permit was made, been found guilty in the Territory or elsewhere, of a disqualifying offence;
  - (ca) has not, within 5 years before the application for the permit was made, been found guilty in the Territory or elsewhere, of an offence of violence;
  - (cb) is able to meet the storage and safety requirements prescribed under this Act or approved by the Commissioner;
  - (d) is not subject to a restraining order within 5 years before the application for the permit was made, been subject to a restraining order;
  - (e) is not subject to an order, made in the Territory or elsewhere, to keep the peace;
  - (f) if the applicant is the holder of a firearms junior club licence:
    - (i) the applicant is at least 16 years of age and represents the Territory in competition shooting at national or international level; and
    - (ii) the application is accompanied by a written endorsement from the governing body in the Territory for the disciplines in which the applicant shoots that the applicant is a representative of the Territory.
- (1A) The Commissioner is not to grant a permit if the applicant is prohibited from holding a licence to own or possess a firearm:
- (a) under this or any other Act;
  - (b) under an Act of the Commonwealth, a State or another Territory of the Commonwealth; or
  - (c) by an order or direction of a court (whether made or given in the Territory or elsewhere).

- (2) Without limiting subsection (1), the Commissioner is not to grant a permit if the Commissioner has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control over firearms because of:
  - (a) the applicant's way of living or domestic circumstances;
  - (b) any previous attempt by the applicant to commit suicide or cause a self-inflicted injury; or
  - (c) the applicant's intemperate habits or being of unsound mind.
- (3) The Commissioner may refuse to grant a permit if the Commissioner considers that to grant the permit would be contrary to the public interest.
- (4) The Regulations may provide other mandatory or discretionary grounds for refusing to grant a permit.

### **33A Possession and use of firearms by international competitors**

- (1) An international competitor may possess or use a firearm for the sole purpose of competing in an approved shooting competition if he or she is the holder of:
  - (a) a permit; or
  - (b) a corresponding permit,that authorises the possession or use of the firearm for that purpose.
- (2) Despite section 33, the Commissioner may grant a permit to an international competitor for the sole purpose of competing in an approved shooting competition if:
  - (a) the applicant provides the Commissioner with the prescribed information; and
  - (b) the Commissioner is satisfied that the applicant is a fit and proper person to possess or use a firearm of the category to which the permit relates.

### **34 General provisions relating to permits**

- (1) A permit is subject to:
  - (a) the conditions that are prescribed; and
  - (b) the conditions specified by the Commissioner.

- (2) A permit remains in force for the period determined by the Commissioner and specified in the permit.
- (3) The Commissioner may suspend or revoke a permit for any reason for which a licence may be suspended or revoked or that may be prescribed.
- (4) The suspension or revocation of a permit takes effect when notice is served on the holder of the permit.
- (5) If a permit is suspended or revoked, the person to whom it was granted must immediately surrender it, and any firearm in respect of which it was granted, to a member of the Police Force.

Penalty: 50 penalty units or imprisonment for 12 months.

- (6) A member of the Police Force may seize a firearm in respect of which a permit was granted if the permit is suspended or revoked.
- (7) Subject to this Act, a permit expires 3 months after the holder ceases to reside in the Territory.

### **35 Permits to purchase or acquire firearms**

- (1) The holder of a licence may apply to the Commissioner for a permit to purchase or acquire a firearm.
- (2) A separate permit to purchase or acquire a firearm is required for each firearm to be purchased or acquired.
- (3) The Commissioner:
  - (a) is not to grant a permit to a person to purchase or acquire a firearm unless the person is the holder of a licence authorising the person to use or possess the firearm concerned; and
  - (b) may refuse to grant a permit to purchase or acquire a firearm to a person who is the holder of a firearms club junior licence.
- (4) Subject to subsection (5), the Commissioner is not to grant to a person a permit to purchase or acquire a firearm until after the end of the period of 28 days after the day on which the application for the permit is made.



- (5) The Commissioner may grant a permit to a person to purchase or acquire a firearm before the expiration of the period referred to in subsection (4) where:
  - (a) the person:
    - (i) holds a licence and owns a registered firearm; and
    - (ii) has established a genuine need for owning the firearm to be purchased or acquired; and
  - (b) the prescribed checks (if any) have been completed.
- (6) Unless revoked, a permit to purchase or acquire a firearm remains in force for the period specified in the permit or until the firearm to which the permit relates is purchased or acquired, whichever is the sooner.

## **Part 5                      Registration of firearms**

### **36                      Registration of firearms**

- (1) An application to register a firearm is to be:
  - (a) in the approved form;
  - (b) accompanied by the determined fee; and
  - (c) lodged with the Commissioner.
- (2) Subject to this section, the Commissioner is to register a firearm that is the subject of an application.
- (3) The Commissioner:
  - (a) is not to register a firearm unless the applicant is the holder of a licence that permits the holder to possess firearms of the category of the firearm to be registered; and
  - (b) may refuse to register a firearm if the applicant is the holder of a firearms club junior licence.
- (4) The Commissioner may refuse to register a firearm if it is not produced to a member of the Police Force for inspection.
- (5) The Commissioner registers a firearm by entering in the register particulars of the firearm and particulars relating to the person in whose name it is registered.

- (6) The Commissioner is to issue a certificate of registration to a person in whose name a firearm is registered where:
  - (a) the firearm is registered in accordance with subsection (5); or
  - (b) the Commissioner records in the register a change in the particulars relating to the person in whose name a firearm is registered.
- (7) A person who has been found guilty of an offence in which a firearm was involved cannot apply to register a firearm unless:
  - (a) in a case where, on the trial or hearing in relation to the offence:
    - (i) an order under section 10 or 11 of the *Sentencing Act* or referred to in section 130(2) of that Act (or a provision of a law in force in the jurisdiction in which the offence was committed that, in the opinion of the Commissioner, is of similar effect) has been made directing that the person be discharged on giving security in accordance with the section; or
    - (ii) a pecuniary penalty only has been imposed,  
not less than 12 months have elapsed since the person was found guilty of the offence; and
  - (b) in the case where a custodial sentence was imposed, 2 years have elapsed since the applicant was found guilty of the offence or released from custody, whichever is the later.

### **37 Duration of registration**

- (1) A firearm ceases to be registered:
  - (a) if the person in whose name it is registered dies or, in the case of a firearm registered in the name of a corporation, the corporation is dissolved;
  - (b) if it is sold or otherwise disposed of;
  - (c) if it is lost or stolen; or
  - (d) if it is altered in a way:
    - (i) that affects its safety or fitness for use; or

- (ii) that it becomes a firearm of a different category from the category specified in the certificate of registration relating to it.
- (2) Where a person was, immediately before his or her death, the holder of a certificate of registration for a firearm, the personal representative of the person is, for 28 days or any longer period that the Commissioner in writing allows, deemed to be the holder of the certificate of registration for the purpose of disposing of the firearm in accordance with this Act.
- (3) A certificate of registration expires 3 months after the holder ceases to reside permanently in the Territory.

## **Part 6                      Surrender or revocation of licences, permits and certificates of registration**

### **38                      Suspension of licence, permit or registration**

- (1) The Commissioner may, if satisfied there may be grounds for revoking a licence, permit or certificate of registration, suspend the licence, permit or certificate by serving written notice on the holder.
- (2) A notice under subsection (1) is to:
  - (a) state that the licence, permit or certificate is suspended and the reasons for suspending it; and
  - (b) request the holder to provide the Commissioner with reasons why the licence, permit or certificate should not be revoked.
- (3) A licence, permit or certificate of registration is suspended for the period, not longer than 28 days, specified in the notice.
- (4) The holder of a licence, permit or certificate of registration suspended under this section is not authorised to possess or use a firearm of the category or the firearm, as the case may be, specified in the licence, permit or certificate during the period of the suspension.

### **39                      Suspension on making of restraining order**

- (1) A licence, permit or certificate of registration is automatically suspended on the making of an interim restraining order against the holder and the suspension remains in force until the order is confirmed or revoked.

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- (2) If a licence, permit or certificate of registration is automatically suspended by subsection (1), the person to whom it is granted must immediately:
- (a) surrender the suspended licence, permit or certificate of registration to a member of the Police Force; and
  - (b) deliver a firearm in respect of which the licence, permit or certificate is granted to a member of the Police Force.

Penalty: 500 penalty units or imprisonment for 12 months.

#### **40 Revocation of licence, permit or registration**

- (1) A licence, permit or a certificate of registration is automatically revoked:
- (a) on a restraining order being made against the holder; or
  - (b) on the holder being found guilty of a disqualifying offence or an offence of violence.
- (2) The Commissioner is, by written notice served on the holder of a licence or permit, to revoke the licence or permit if satisfied that the holder has failed to comply with a condition of the licence or permit that is prescribed for the purposes of this subsection.
- (3) The Commissioner may, by written notice served on the holder of a licence, permit or certificate of registration, revoke the licence, permit or certificate:
- (a) for any reason for which the holder would be required to be refused a licence or permit of the same kind or a certificate of registration;
  - (b) if the holder supplied information that was false or misleading in a material particular in, or in connection with, the application for the licence, permit or certificate of registration;
  - (c) if the holder is found guilty of an offence against a law in force in the Territory, or an offence in a State or another Territory of the Commonwealth, (whether committed before or after the granting of the licence, permit or certificate) relating to a firearm or the possession or use of a firearm or any other offence that, in the opinion of the Commissioner, makes the holder not fit to possess or use a firearm or to hold a licence, permit of the kind held or a certificate;
  - (d) in the case of a licence or permit, if the holder contravenes a condition of the licence or permit;

- (e) if the Commissioner is of the opinion that the holder is no longer a fit and proper person to hold the licence, permit or certificate;
- (f) in the case of a firearms dealer licence, if:
  - (i) the holder is not in charge of the premises used under the licence to carry on the business;
  - (ii) the holder no longer deals in firearms; or
  - (iii) the premises used under the licence to carry on the business are no longer satisfactory for that purpose;
- (g) in the case of a firearms armourer licence, if:
  - (i) the holder is not in charge of the premises used under the licence to carry on the business;
  - (ii) the holder no longer repairs or stores firearms; or
  - (iii) the premises used under the licence to carry on the business are no longer satisfactory for that purpose;
- (h) in the case of a firearms collector licence, if:
  - (i) the holder of the licence is no longer a bona fide collector of firearms or is not, or will no longer be, in charge of the premises where the firearms are usually kept; or
  - (ii) the premises where the firearms are usually kept are no longer satisfactory for the storage or safe keeping of the firearms;
- (j) in the case of a firearms corporate licence, if:
  - (i) the holder no longer has a good reason for employees to possess or use firearms; or
  - (ii) the holder's premises are no longer satisfactory for the storage or safe keeping of firearms; or
- (k) in the case of a firearms employee licence, if the holder is no longer an employee of the holder of the firearms corporate licence or is no longer carrying out the duties in relation to which the licence was granted.

- (4) The revocation of a licence, permit or certificate of registration under subsection (2) or (3) takes effect when notice is served on the holder or on a later date specified in the notice, whether or not an appeal is lodged against the revocation.
- (5) A person must, immediately after a notice under this section is served on him or her, or where in the notice the person is allowed time to sell or otherwise dispose of the firearm, not later than the time so allowed:
  - (a) surrender the revoked licence, permit or certificate of registration to the Commissioner; and
  - (b) subject to section 44, deliver a firearm in respect of which the licence, permit or certificate was granted to a member of the Police Force.

Penalty: 50 penalty units or imprisonment for 12 months.

- (6) If a licence, permit or certificate of registration is automatically revoked by subsection (1), the person to whom it was granted must immediately:
  - (a) surrender the revoked licence, permit or certificate of registration to a member of the Police Force; and
  - (b) deliver a firearm in respect of which the licence, permit or certificate was granted to a member of the Police Force.

Penalty: 500 penalty units or imprisonment for 12 months.

#### **41 Surrender by holder**

- (1) The holder of a licence, permit or certificate of registration may, by written notice to the Commissioner accompanied by:
  - (a) the licence, permit or certificate; or
  - (b) a statutory declaration setting out the reasons why the licence, permit or certificate is not accompanying the notice,surrender the licence, permit or certificate.
- (2) The surrender of a licence, permit or certificate of registration under subsection (1) takes effect when the notice is received by the Commissioner.

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**42 Suspension by police officer**

- (1) A member of the Police Force in charge of a police station or with the rank of senior sergeant or higher may, by written notice served on the holder of a licence, permit or certificate of registration, suspend the licence, permit or certificate:
- (a) on the request of the holder;
  - (b) if the holder has been charged with an offence against a law in force in the Territory or in a State or another Territory of the Commonwealth relating to firearms (or any other offence that, in the opinion of the Commissioner would, if the person is found guilty, render the person not fit to possess or use a firearm or to hold a licence, permit or certificate of the kind held) and is awaiting the hearing of the charge;
  - (c) if the member believes on reasonable grounds that the holder is suffering from a physical or mental infirmity or incapacity and, as a result of possessing a firearm, may be a danger to the safety of the person or to another person, or to property;
  - (d) after receiving a report under section 101; or
  - (e) if the member believes, on reasonable grounds, that the person has made a statement that is false or misleading in a material particular in the application for the licence, permit or certificate.
- (2) A person must, immediately after a notice under subsection (1) is served on him or her or not later than the period specified in the notice, deliver to a member of the Police Force or to a person nominated by the person and approved by a member:
- (a) the licence, permit or certificate of registration; and
  - (b) the firearm to which the notice relates.

Penalty: 50 penalty units or imprisonment for 12 months.

**43 Application after refusal, &c.**

Where the Commissioner refuses to grant or revokes a licence, permit or certificate of registration, the applicant or the former holder may not apply for a licence or permit of the same type or for a certificate of registration:

- (a) until the conditions, if any, specified in the notice of refusal or revocation are met; or

- (b) during a period specified in the notice.

#### **44 Disposal of firearms**

- (1) Where the Commissioner under section 40 allows a person time to sell or otherwise dispose of a firearm, the person must, within the time specified in the notice of revocation, sell or otherwise dispose of the firearm, unless he or she institutes an appeal under this Act against the Commissioner's action.
- (2) A person who sells or disposes of a firearm under this section or section 54, or under an order of a court under section 102(1), must, not later than 2 working days after the sale or disposal, give to the Commissioner, by written notice, the approved particulars concerning the sale or disposal.

Penalty: 50 penalty units or imprisonment for 12 months.

#### **44A Disposal of unclaimed firearms**

- (1) If:
  - (a) a firearm has come into the lawful possession of a member of the Police Force;
  - (b) no legal requirement exists for the member to retain possession of the firearm; and
  - (c) reasonable attempts have been made to return the firearm to its registered owner,the Commissioner may:
  - (d) arrange for the firearm to be disposed of or destroyed; or
  - (e) by notice served on the owner of the firearm – direct the owner to take possession of it.
- (2) The Commissioner may dispose of a firearm as unclaimed property in accordance with section 166 of the *Police Administration Act* if the owner of the firearm:
  - (a) is given a direction under subsection (1); and
  - (b) fails to comply with the direction within 3 months after it is given or after any longer period that is specified in the direction.



## **Part 7                    Safe keeping of firearms**

### **45                    General requirement**

- (1) A person in possession of a firearm must take all reasonable precautions to ensure that:
  - (a) it is kept safely;
  - (b) it is not stolen or lost; or
  - (c) it does not come into the possession of a person who is not authorised to possess it.

Penalty:        50 penalty units or imprisonment for 12 months.

- (2) The Regulations may specify the precautions that are taken to be reasonable precautions for the purposes of this section.

### **46                    Storage and safe keeping requirements**

- (1) A person in possession of a firearm must comply with the storage and safe keeping requirements under this Act that apply to the firearm.

Penalty:        50 penalty units or imprisonment for 12 months.

- (2) Subsection (1) does not apply to a person who satisfies the Commissioner that the person has provided alternative arrangements for the storage of a firearm in the person's possession that are of a standard not less than the requirements under this Act.

### **47                    Seizure of firearms if storage requirements not met**

A member of the Police Force may seize a firearm or ammunition that the member has reasonable grounds to believe is not being stored in accordance with this Act.

## **Part 8                    Premises used by firearms clubs and for shooting activities**

### **48                    Premises used by firearms clubs and for shooting activities**

- (1) A person who is a member of the management committee of a firearms club must not use, or knowingly permit another person to use, a firearm on premises occupied by the firearms club unless the premises are approved under this Part.

- (2) The occupier of premises used as a shooting gallery or amusement parlour must not permit a person to use a firearm on the premises unless the premises are approved under this Part.

Penalty: 20 penalty units or imprisonment for 6 months.

**49 Approval of premises used by firearms clubs and for shooting activities**

- (1) A person may apply to the Commissioner in the approved form for an approval under this Part in respect of the premises specified in the application.
- (2) The Commissioner is to, as soon as practicable after receiving an application under subsection (1), approve or refuse to approve the premises.
- (3) The Commissioner is to refuse to approve premises under this Part unless satisfied that the premises are equipped with approved safety equipment and the premises are located and constructed so that the use of firearms on the premises will not constitute a danger to persons on the premises or to the public in the vicinity of the premises.
- (4) The Commissioner may, when approving premises under this Part, or at any time while an approval remains in force, give a direction to a person concerning the use, control or administration of the premises for the preservation of public safety and the safety of the persons on the premises.
- (5) A person to whom a direction is given under subsection (4) must not contravene or fail to comply with the direction.

Penalty: 50 penalty units or imprisonment for 12 months or, in the case of a body corporate, 200 penalty units.

- (6) The Commissioner may revoke an approval given under this Part if satisfied that:
- (a) the premises are a danger to persons or to the public in the vicinity of the premises; or
- (b) a direction given under subsection (4) has not been complied with.

## **Part 9                      Appeals**

### **50                      Firearms Appeal Tribunal**

- (1) There is established the Firearms Appeal Tribunal.
- (2) The Tribunal consists of the Chief Magistrate or a magistrate nominated by the Chief Magistrate, who is the Chairperson, and 2 other persons appointed by the Minister of whom:
  - (a) one is to be appointed from a panel of persons nominated by the Commissioner; and
  - (b) one is to be appointed from a panel nominated by the Northern Territory Shooters' Council.
- (3) A member of the Tribunal appointed under subsection (2) holds office for the period, not exceeding 3 years, specified in the instrument of appointment, but is eligible for reappointment.
- (4) Where a member appointed under subsection (2) is unable or may be unable to attend at a hearing of the Tribunal:
  - (a) the Commissioner, in the case of a member appointed from the panel referred to in subsection (2)(a); and
  - (b) the Northern Territory Shooters' Council, in the case of a member appointed from the panel referred to in subsection (2)(b),may nominate from the panel a person to act in place of the member for the hearing or during the period the member is unable to be present.
- (5) A member appointed under subsection (2) may resign by written notice signed by the member and given to the Minister.
- (6) The Minister:
  - (a) may terminate the appointment of a member appointed under subsection (2) for inability, inefficiency, misbehaviour or physical or mental incapacity; and
  - (b) is to terminate the appointment of a member appointed under subsection (2) if the member becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of remuneration for their benefit.

- (7) The Registrar of the Local Court nominated by the Chief Magistrate is the secretary to the Tribunal.
- (8) The secretary to the Tribunal is to keep a register in which particulars of appeal proceedings are to be kept.

## **51 Notice of appeal**

- (1) A person aggrieved by a decision or action of the Commissioner under this Act may appeal to the Tribunal against the decision.
- (2) An appeal under subsection (1) is instituted by the person lodging with the Tribunal, not later than 28 days after the decision or action of the Commissioner, a notice of appeal in the prescribed form accompanied by the determined fee.
- (3) A notice of appeal must be served by the appellant on the Commissioner.
- (4) Where a notice of appeal is lodged under subsection (2), the appellant must deliver to the Commissioner for safe keeping all firearms that the applicant would be required to sell or otherwise dispose of by virtue of section 44 had the appeal not been instituted.

Penalty: 50 penalty units or imprisonment for 12 months.

## **52 Powers of Tribunal**

- (1) An appeal is in the nature of a rehearing.
- (2) The Tribunal has all the powers, authorities, duties, functions and discretions that the Commissioner has in relation to the decision or action the subject of the appeal.

## **53 Obtaining of information by Tribunal**

- (1) The Tribunal may, by written notice signed by the Chairperson, require a person to provide to it any information that it reasonably requires to enable it to carry out its functions.

- (2) A person required to provide information under subsection (1) must not, without lawful excuse, refuse or fail to provide the information within the time specified in the notice or such further time as the Tribunal allows.

Penalty: In the case of a body corporate – 100 penalty units and 10 penalty units for each day during which the offence continues.

In the case of a natural person – 20 penalty units and 2 penalty units for each day during which the offence continues.

### **53A Attendance of persons before Tribunal**

- (1) The Tribunal may, by written notice signed by the Chairperson, require a person to attend before the Tribunal and to provide to it any information that it reasonably requires to enable it to carry out its functions.
- (2) A person required to attend before the Tribunal under subsection (1) must not, without lawful excuse, refuse or fail to attend before the Tribunal at the time specified in the notice or such further time as the Tribunal allows.

Penalty: In the case of a body corporate – 100 penalty units and 10 penalty units for each day during which the offence continues.

In the case of a natural person – 20 penalty units and 2 penalty units for each day during which the offence continues.

### **54 Determination of appeals**

- (1) The Tribunal is to determine an appeal by:
- (a) confirming the decision or action of the Commissioner; or
  - (b) substituting its own decision for that of the Commissioner.
- (2) Where the Tribunal substitutes its decision for a decision of the Commissioner, the Commissioner is to take whatever action is necessary to give effect to the decision.

## **Part 10                      Firearms Advisory Council**

### **55                      Firearms Advisory Council**

- (1) There is established the Firearms Advisory Council.
- (2) The Council consists of:
  - (a) the executive members of the Northern Territory Shooters' Council;
  - (b) a member of the Police Force nominated by the Commissioner; and
  - (c) other persons appointed by the Minister in consultation with the Northern Territory Shooters' Council.
- (3) The member nominated under subsection (2)(b) is the Chairperson of the Council.
- (4) Subject to this Part, a member appointed under subsection (2)(c) holds office for the period, not longer than 3 years, specified in the instrument of appointment, but is eligible for reappointment.
- (5) A person appointed under subsection (2)(c) may resign by written notice signed by the person and given to the Minister.

### **56                      Functions and powers of Council**

- (1) The functions of the Council are:
  - (a) at the request of the Minister or the Commissioner, to advise the Commissioner concerning applications for registration of firearms or for the granting of licences or permits under this Act;
  - (b) to establish guidelines for standards of construction and installation of equipment for shooting ranges and shooting galleries;
  - (c) to establish guidelines for safe practices to be implemented relating to the use of firearms at shooting ranges and shooting galleries;
  - (d) to review the operations of this Act and the Regulations and to make recommendations relating to their operation to the Minister; and
  - (e) to consider any other matter referred to it by the Minister or by the Commissioner.

- (2) The Council has those powers that are necessary to enable it to carry out its functions under this Act.

## **57            Meetings of Council**

- (1) The Chairperson is to call such meetings of the Council as are necessary for the exercise of its powers and the performance of its functions.
- (2) The Minister may, at any time, direct the Chairperson to call a meeting of the Council and the Chairperson is to comply with the direction.
- (3) The Council is to determine the procedure to be followed at or in connection with its meeting.
- (4) The Council is to keep a record of its meetings.

## **Part 11            Offences**

### **Division 1            Possession or use of firearms**

#### **58            Possession or use of firearms**

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

Penalty:        50 penalty units or imprisonment for 12 months.

- (2) Without limiting subsection (1), the holder of a licence is guilty of an offence under this section if he or she uses a firearm for any purpose otherwise than in connection with the purpose established as being the genuine reason for possessing or using the firearm.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that he or she was in the company of the holder of a licence for the category of firearm in the possession of or being used by the defendant and the firearm was being used in accordance with the conditions, if any, of the licence.
- (4) The defence provided by subsection (3) does not apply to or in relation to a person referred to in subsection (5) during the period specified in relation to the person in that subsection.
- (5) For the purposes of subsection (4), a person:
  - (a) who has been found guilty of a disqualifying offence may not possess or use a firearm for 10 years from the date of the finding of guilt;

- (b) in respect of whom a restraining order is in force may not possess or use a firearm while the restraining order remains in force;
  - (ba) in respect of whom a restraining order was in force may not possess or use a firearm for 5 years from the date the order expires or ceases to have effect;
  - (c) whose licence is suspended may not possess or use a firearm:
    - (i) while the suspension remains in force; or
    - (ii) if the licence expires while the suspension remains in force – until the person is granted another licence or a permit; or
  - (d) who has been refused a licence or whose licence is revoked may not possess or use a firearm while the person is prohibited from applying for a licence.
- (6) A person must not possess or use a prohibited firearm unless authorised under this Act.
- Penalty:        50 penalty units or imprisonment for 12 months.
- (7) Subsection (6) does not apply to the possession of a prohibited firearm in accordance with section 113(4).

## **Division 2            Offences relating to registration**

### **59            Firearms to be registered**

A person, other than the holder of a firearms dealer licence, must not sell, purchase, possess or use a firearm that is not registered.

Penalty:        50 penalty units or imprisonment for 12 months or, where the offence relates to a category A firearm or category B firearm, 10 penalty units or imprisonment for 3 months.

### **60            Alteration of certificate of registration**

A person must not alter the particulars in a certificate of registration.

Penalty:        20 penalty units or imprisonment for 6 months.



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## **Division 3      General offences**

### **62      Sale, purchase, &c., of firearms**

- (1) A person must not purchase or acquire a firearm unless the person is:
  - (a) authorised to possess the firearm by a licence or permit; and
  - (b) except in the case of the holder of a firearms dealer licence, authorised to purchase or acquire the firearm by a permit or corresponding permit.
- (2) A person must not sell or dispose of a firearm to another person unless the other person is:
  - (a) authorised to possess the firearm by a licence or permit; and
  - (b) except in the case of the holder of a firearms dealer licence, authorised to purchase or acquire the firearm by a permit or corresponding permit.
- (3) A person must not sell or dispose of a firearm to another person unless the person sights the licence and the permit or permits referred to in subsection (2), as the case may be, of the other person.
- (4) A person who sells or disposes of a firearm to another person must complete the particulars of the sale or disposal on the permit authorising the purchase or acquisition of the firearm and return the permit to the Commissioner not later than 14 days after the sale or disposal.

Penalty:      50 penalty units or imprisonment for 12 months or, where the offence relates to a category A firearm or category B firearm, 10 penalty units or imprisonment for 3 months.

### **63      Restrictions on sale and purchase of firearms**

- (1) A person, other than the holder of a firearms dealer licence, must not sell a firearm to a person unless:
  - (a) the other person is the holder of a firearms dealer licence;
  - (b) the sale is arranged through the holder of a firearms dealer licence; or

- (c) where the holder of a firearms dealer licence is not reasonably available, the sale is witnessed by a member of the Police Force.
- (2) A person, other than the holder of a firearms dealer licence, must not purchase a firearm from another person unless:
  - (a) the other person is the holder of a firearms dealer licence;
  - (b) the purchase is arranged through the holder of a firearms dealer licence; or
  - (c) where the holder of a firearms dealer licence is not reasonably available, the purchase is witnessed by a member of the Police Force.
- (3) A person, other than the holder of a firearms dealer licence, must not advertise a firearm for sale unless the advertisement in respect of the firearm contains the serial number of the firearm.

Penalty: 20 penalty units or imprisonment for 6 months.

#### **64 Use of mail for sending firearms**

- (1) A person must not send a firearm by mail to a person in the Territory.
- (2) A person must not receive a firearm by mail in the Territory.
- (3) A person must not direct or request another person, whether the other person is within or outside the Territory when the request is made, to send a firearm by mail to a person in the Territory, whether or not the request is made in writing or in connection with the purchase by the person of the firearm.

Penalty: 20 penalty units or imprisonment for 6 months.

- (4) A person is taken to have made a request under subsection (3) if the person accepts an offer made by another person within or outside the Territory to forward a firearm by mail to an address within the Territory.
- (5) It is a defence to a prosecution under subsection (2) if the defendant proves that the firearm was sent to the defendant without his or her knowledge or approval.
- (6) This section does not apply to the sending or receiving by mail of a firearm by a person who is:
  - (a) the holder of a firearms dealer licence;

- (b) the holder of a firearms armoured licence; or
  - (c) a member of the Police Force and the firearm is sent from or received at a Police Station.
- (7) This section does not apply to the sending or receiving by mail of a firearm by the person in whose name the firearm is registered if:
- (a) the sending or receiving of the firearm is for the purpose established as being the genuine reason for possessing or using the firearm; and
  - (b) the sending or receiving of the firearm does not relate to the sale or transfer of the firearm.

**65      Use of mail for sending firearms outside the Territory**

- (1) A person must not send a firearm by mail except in accordance with this section.

Penalty:      20 penalty units or imprisonment for 6 months.

- (2) The holder of a firearms dealer licence may send a firearm by mail if:
- (a) the address to which the firearm is sent is outside the Territory;
  - (b) the firearm is sent by registered post;
  - (c) the person to whom the firearm is sent would not, because of receiving the firearm or being in possession of it at the place to which it is sent, be guilty of an offence under a law that applies at that place; and
  - (d) the person to whom the firearm is sent is the holder of a licence that corresponds to a firearms dealer licence under the law of that place.
- (3) The owner of a registered firearm may send a firearm by mail if:
- (a) the firearm is sent to an address outside the Territory;
  - (b) the firearm is sent by registered post;
  - (c) the person to whom the firearm is sent would not, because of receiving the firearm or being in possession of it at the place to which it is sent, be guilty of an offence under a law that applies at that place; and

- (d) mailing the firearm is not an offence under the law of the place to which it is sent;
- (e) the purpose of mailing the firearm is consistent with the genuine reason for possessing or using it;
- (f) the purpose of mailing the firearm does not relate to the sale or transfer of the firearm; and
- (g) the firearm will be returned to the Territory.

**66 Transporting prohibited firearms or pistols**

A person who conveys (whether or not in the course of a business) a prohibited firearm or a category A firearm, category B firearm, category C firearm, category D firearm or category H firearm must comply with the prescribed safety requirements, if any.

Penalty: 10 penalty units or imprisonment for 3 months.

**67 Disposal of firearms by unauthorised holders**

- (1) A person who comes into possession of a firearm, but is not authorised by this Act to possess the firearm, must immediately surrender the firearm to a member of the Police Force.

Penalty: 20 penalty units or imprisonment for 6 months.

- (2) A person does not contravene any other provision of this Act just by surrendering a firearm in accordance with this section.

**68 Altering firearms**

A person must not, unless approved, alter a firearm in a way that:

- (a) affects its safe operation; or
- (b) converts it to another category of firearm.

Penalty: 50 penalty units or imprisonment for 12 months.

**69 Sale, purchase and possession of ammunition**

- (1) A person must not sell ammunition for a firearm unless:
  - (a) the person purchasing the ammunition is the holder of a licence for a category of firearm that takes the ammunition or is authorised to buy the ammunition by a permit or by the Commissioner in writing; and
  - (b) the person sights the licence, permit or authorisation.

- (2) A person must not possess ammunition unless the person:
- (a) is the holder of a licence or permit for a category of firearm that takes the ammunition; or
  - (b) is an ammunition collector authorised by the Commissioner in writing to possess the ammunition.

Penalty:        10 penalty units or imprisonment for 3 months.

**70        Pawning of firearms prohibited**

A pawnbroker must not take a firearm or ammunition into pawn unless he or she is the holder of a firearms dealer licence.

Penalty:        10 penalty units or imprisonment for 3 months.

**71        Misuse of licences and permits**

A person must not:

- (a) falsely represent himself or herself to be the holder of a licence or permit (whether or not it is in force);
- (c) give possession of a licence or permit to another person for the purpose of using it unlawfully; or
- (e) knowingly have possession of a forged, fraudulently altered, borrowed or stolen licence or permit.

Penalty:        50 penalty units or imprisonment for 12 months.

**72        Altering or falsifying records**

A person must not, with intent to deceive:

- (a) alter a record; or
  - (b) make a false or misleading entry in a record,
- required to be made or kept by this Act.

Penalty:        50 penalty units or imprisonment for 12 months.

**73        Hiring firearms**

- (1) A person must not hire or lease a firearm to another person unless the other person is the holder of a permit that authorises the holder to possess or use the firearm.

- (2) A person must not hire or lease a firearm from another person unless the first-mentioned person is the holder of a permit that authorises the person to possess or use the firearm.

Penalty:        10 penalty units or imprisonment for 3 months.

**74            Alteration of identification marks**

- (1) A person must not, unless approved, deface or alter an identifying serial number on a firearm.
- (2) A person must not knowingly possess a firearm the serial numbers of which have been defaced or altered in contravention of subsection (1).

Penalty:        50 penalty units or imprisonment for 12 months.

**75            Toy guns, &c.**

A person must not convert a toy gun or an article of a similar nature into a firearm.

Penalty:        50 penalty units or imprisonment for 12 months.

**76            Unsafe firearms**

- (1) Subject to this Act, a person must not possess or use an unsafe firearm.

Penalty:        50 penalty units or imprisonment for 12 months.

- (2) The holder of a firearms armoured licence or firearms dealer licence may have an unsafe firearm in his or her possession in the ordinary course of his or her business or for the purpose of repairing it.
- (3) The holder of a firearms collector licence, firearms instructor licence or firearms museum licence may have an unsafe firearm in his or her possession.
- (4) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove that he or she did not know and could not reasonably have known that the firearm was unsafe.

**77            Silencers and machine-guns**

- (1) A person must not possess or use a silencer except in accordance with this section.

Penalty:        20 penalty units or imprisonment for 6 months.

- (2) A person must not possess or use a machine-gun except in accordance with this section.

Penalty:        50 penalty units or imprisonment for 12 months.

- (3) The holder of a firearms museum licence may possess a silencer or machine-gun for the purpose of exhibiting and showing it.

- (4) The holder of a firearms collector licence may possess a machine-gun for the purpose of displaying it if:

(a) the acquisition of the machine-gun by the holder has been approved by the Commissioner in writing;

(b) the holder is a collector who the Commissioner has certified in writing to be an established collector;

(c) the holder has held a firearms collector licence for not less than 5 years;

(d) the holder is permitted to possess and display category C firearms and category D firearms under the firearms collector licence;

(e) the machine-gun is consistent or compatible with other firearms possessed and displayed under the firearms collector licence; and

(f) the machine-gun has been made permanently inoperable.

- (5) Despite section 102, where a person is found guilty of an offence against this section, the silencer or machine-gun possessed or used in the offence is forfeited to the Territory on the finding of guilt.

## **78        Carrying firearms in public places**

- (1) In this section:

**community government area** has the same meaning as in the *Local Government Act* but does not include a community government area in respect of which by-laws are in force relating to the sale, purchase, possession, hire, presence and use of firearms.

**municipality** has the same meaning as in the *Local Government Act*.

**public place** has the same meaning as in the *Summary Offences Act*.

**town** means a town within the meaning of the *Crown Lands Act*.

- (2) A person must not carry a firearm exposed to public view in a public place within a town, municipality or community government area.

Penalty:        20 penalty units or imprisonment for 6 months.

- (3) A person must not carry a loaded firearm in a public place within a town, municipality or community government area.

Penalty:        50 penalty units or imprisonment for 12 months.

- (4) Subsections (2) and (3) do not apply to or in relation to the holder of a firearms employee licence who is carrying out the duties of his or her employment in relation to which the licence was granted.

- (5) It is a defence to a prosecution for an offence against this section for the defendant to prove that he or she had a lawful excuse for performing the act that would otherwise constitute the offence.

## **79        Discharge of firearms on certain land**

- (1) A person must not discharge a firearm on land unless:

- (a) the person is the owner or occupier of the land;
- (b) the occupier of the land has consented, either expressly or impliedly, to the discharge of the firearm on the land; or
- (c) the person is authorised by or under another law in force in the Territory to discharge the firearm on the land.

Penalty:        50 penalty units or imprisonment for 12 months.

- (2) The onus of proving a fact referred to in subsection (1) lies on the person alleging it and the standard of proof is the balance of probability.

## **80        Possession, &c., of firearms on certain land**

- (1) A person must not possess a firearm on land the boundaries of which are fenced or clearly marked unless:

- (a) the person is the owner or occupier of the land;
- (b) the occupier of the land has consented, either expressly or impliedly, to the person possessing the firearm on the land;
- (c) the person is:
  - (i) approaching the residence of the occupier along a defined or customary road or track for the purpose of applying for consent; or



- (ii) proceeding along a defined or customary road or track for the purpose of reaching a destination outside the land;
- (d) the person is authorised by or under another law in force in the Territory to possess the firearm on the land; or
- (e) the person has some other lawful excuse for possessing the firearm on the land.

Penalty: 50 penalty units or imprisonment for 12 months.

- (2) The onus of proving a fact referred to in subsection (1) lies on the person alleging it and the standard of proof is the balance of probability.

**81      Restriction on use, &c., of firearms on certain vacant Crown land**

- (1) The Minister may, by notice in the *Gazette*, prohibit the possession or use of a firearm or a category of firearm on Crown land specified in the notice.
- (2) Where a notice is in force under subsection (1), a person must not possess or use a firearm or a firearm of the category of firearm specified in the notice on the Crown land specified in the notice.

Penalty: 10 penalty units or imprisonment for 3 months.

**82      Discharge of firearms on roads, &c.**

- (1) A person must not knowingly discharge a firearm on, from, towards or across a public road, public street or public place.

Penalty: 50 penalty units or imprisonment for 12 months.

- (2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove that he or she had a lawful excuse for discharging the firearm in the circumstances.

**83      Prohibited use of firearms**

Unless permitted by a law in force in the Territory, a person must not:

- (a) engage in a contest, game or encounter that involves pointing a firearm; or
- (b) point or discharge a firearm,

at or in the direction of another person.

Penalty: 50 penalty units or imprisonment for 12 months.

**84 Discharge of firearm causing danger, &c.**

- (1) A person must not discharge a firearm to endanger, annoy or frighten, or in a manner that is likely to endanger, annoy or frighten, the public or a person.

Penalty: 50 penalty units or imprisonment for 12 months.

- (2) It is a defence to a prosecution for an offence against subsection (1) for the defendant to prove that he or she had a lawful excuse for discharging the firearm in the circumstances.

**85 Breach of conditions**

The holder of a licence or permit must not contravene or fail to comply with a condition of the licence or permit.

Penalty: 50 penalty units or imprisonment for 12 months.

**86 Persons under influence of alcohol or drugs**

A person must not have a firearm in his or her actual possession while under the influence of alcohol or a drug.

Penalty: 50 penalty units or imprisonment for 12 months.

**87 Delivery of firearms to certain persons**

A person must not give possession of a firearm or ammunition to another person if the person knows or has reasonable cause to believe that the other person is:

- (a) under the influence of alcohol or a drug; or
- (b) of unsound mind.

Penalty: 50 penalty units or imprisonment for 12 months.

**88 Delivery of firearms to unlicensed persons**

Subject to section 58(3), a person in possession of a firearm must not knowingly permit another person to take possession of it unless:

- (a) the first-mentioned person has inspected the licence, permit or other authorisation of the other person that permits the other person to possess or use the firearm; or

- (b) the other person is the holder of a firearms armourer licence or firearms dealer licence and the firearm is given to the holder in the ordinary course of his or her business.

Penalty: 50 penalty units or imprisonment for 12 months.

## **89 False statements**

- (1) A person must not make a false statement in relation to an application for a licence or permit or the registration of a firearm.

Penalty: 50 penalty units or imprisonment for 12 months.

- (2) A person must not make a false entry in a record, return or register required to be kept or lodged under this Act.

Penalty: 50 penalty units or imprisonment for 12 months.

- (3) A person must not falsely state that a firearm has been disposed of, lost or stolen.

Penalty: 100 penalty units or imprisonment for 2 years.

## **90 Changes, &c., to be notified**

- (1) The holder of a licence, permit or certificate of registration must, if the person changes his or her name or address, notify the Commissioner, in writing, not later than 10 working days after the change.

Penalty: \$1,000 or imprisonment for 3 months.

- (2) The holder of a licence, permit or certificate of registration must notify the Commissioner, in writing, of the loss or theft of a firearm to which the licence, permit or certificate relates not later than 2 working days after becoming aware of the loss or theft.

Penalty: 50 penalty units or imprisonment for 12 months.

- (3) If there is a change in the particulars specified in an application for a licence, permit or certificate of registration, the applicant or holder must, without delay, notify the Commissioner in writing of the change.

Penalty: \$1,000 or imprisonment for 3 months.

- (4) If a licence, permit or certificate of registration is lost or stolen, the holder must notify the Commissioner, in writing, not later than 2 working days after becoming aware of the loss or theft.

Penalty: 5 penalty units or imprisonment for 14 days.

**91            Requirements, &c., to be complied with**

A person must not refuse or fail to comply with a requirement or direction lawfully made or given by the Commissioner or a member of the Police Force under this Act.

Penalty:        20 penalty units or imprisonment for 6 months.

**91A          Notification of change of representative of licence holder**

(1) The holder of a firearms corporate licence, firearms museum licence or firearms club licence must notify the Commissioner of the name of the person who will be the representative of the holder in respect of activities conducted under the licence not later than 14 days after:

- (a) the person named in the application for the licence as the representative of the holder ceases to be the representative;  
or
- (b) a person notified under this section ceases to be the representative.

Penalty:        20 penalty units.

(2) A person who is notified under this section as the representative of the holder of a licence must be:

- (a) in respect of firearms corporate licence – an employee of the holder of the licence; and
- (b) in respect of firearms club licence – a member of the governing body or committee of the firearms club.

**Part 12            Miscellaneous**

**Division 1        Recognition of interstate licences**

**92            Temporary recognition of interstate licences for shooting competition**

A person who is a resident of a State or another Territory of the Commonwealth is not required to hold a licence to possess or use category A firearms, category B firearms, category C firearms or category H firearms:

- (a) for the purpose of participating in an approved shooting competition; or

- (b) for such other purposes as may be prescribed,
- if the person is the holder of a corresponding licence.

### **93 Interstate residents moving to the Territory**

- (1) A resident of a State or another Territory of the Commonwealth who is the holder of a corresponding licence authorising the possession or use of category A firearms or category B firearms may notify the Commissioner in writing that he or she intends to reside in the Territory.
- (2) If the Commissioner is notified in accordance with subsection (1), the corresponding licence is, subject to any direction of the Commissioner, to be taken to be a licence authorising the possession or use of a firearm of the equivalent category of firearm in force in the Territory for 3 months from the time the person notified the Commissioner or until the person's application for a licence under this Act is granted or refused, whichever is sooner.
- (3) If a resident of a State or another Territory of the Commonwealth who is the holder of a corresponding licence authorising the possession or use of category C firearms, category D firearms or category H firearms notifies the Commissioner in writing that the person intends to reside in the Territory, the corresponding licence is, subject to any direction of the Commissioner, to be taken to be a licence authorising the possession or use of the equivalent category of firearm in force in the Territory for a period of 2 days from the time the person notified the Commissioner.
- (4) After the expiry of the period referred to in subsection (3), a person who:
  - (a) has duly notified the Commissioner in accordance with that subsection; and
  - (b) applied for a licence before the expiry of the period,does not, while the person's application for a licence is being determined, commit an offence under this Act in respect of the possession of a firearm.

## **Division 2 General**

### **94 Commissioner may require firearm to be lodged**

- (1) Where the Commissioner refuses to grant a permit or certificate of registration, the Commissioner may direct the applicant to lodge a firearm to which the application relates with the Commissioner or

the holder of a firearms dealer licence for the period specified by the Commissioner.

- (2) A person to whom a direction is given under subsection (1) must not contravene or fail to comply with the direction.

Penalty:      50 penalty units or imprisonment for 12 months.

**95      Police may request names and addresses**

A member of the Police Force may require a person who is in possession of a firearm or a silencer to state his or her name and address and the person must not:

- (a) refuse or fail to comply with the requirement;
- (b) give to the member a name that is false in a material particular; or
- (c) give to the member an address that is not the person's full and correct residential address.

Penalty:      20 penalty units or imprisonment for 6 months.

**96      Police may require production of licences, &c.**

- (1) A person, when in possession of a firearm, must:
- (a) carry the relevant licence or permit relating to the firearm;
  - (b) where the firearm is a category C firearm, category D firearm or category H firearm, carry the certificate of registration in respect of the firearm; and
  - (c) when requested by a member of the Police Force, produce the licence, permit or certificate of registration for inspection by the member.
- (2) When requested by a member of the Police Force, a person in possession of a category A firearm or category B firearm must produce to the member or another member the person's certificate of registration or permit, as the case may be, in respect of the firearm not later than the time, and at the place, that the member specifies.
- (3) When requested by a member of the Police Force, a person in whose name a firearm is registered must produce the firearm for inspection by the member or another member.

Penalty:      20 penalty units or imprisonment for 6 months.

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## **97 Searches in emergencies**

(1) A member of the Police Force may:

- (a) in circumstances of such seriousness and urgency as to require and justify immediate search or entry without the authority of an order of a court or a warrant; or
- (b) where the member believes on reasonable grounds that a disqualifying offence has been, is being or is about to be committed,

at any time, without warrant:

- (c) search a person reasonably suspected by the member to be carrying a firearm or anything connected with an offence against this Act and the clothing being worn by, and the property in the immediate control of, the person; or
- (d) enter into or on and search any premises, vehicle, aircraft or vessel on or in which the member believes on reasonable grounds that:
  - (i) a firearm or anything connected with an offence against this Act is situated; or
  - (ii) a person, who is in danger because of the possession of a firearm by the person or by some other person, may be,

and if the member believes on reasonable grounds that it is necessary to do so in order to prevent danger or injury to a person or the loss or destruction of anything connected with an offence against this Act, the member may seize anything that the member finds in the course of the search, on or in the premises, vehicle, aircraft or vessel.

- (2) A member of the Police Force who believes on reasonable grounds that a person is carrying a firearm, and the person or some other person may be in danger because of the possession of the firearm, may stop the person and search the person for the firearm and seize any firearm found on the person.
- (3) A member of the Police Force who believes on reasonable grounds that a firearm is being carried in a vehicle, aircraft or vessel and that a person may be in danger because of the carriage of the firearm, may stop and enter and search the vehicle, aircraft or vessel and seize any firearm found in it.

- (4) Except in circumstances referred to in subsection (1)(a), a person is not to be searched under this section except by a person of the same sex.
- (5) In this section, **firearm** includes ammunition and a silencer.

## **98      Seizure**

A firearm seized by or surrendered to a member of the Police Force under this Act or any other law in force in the Territory may be retained by the member or another member:

- (a) to determine whether an offence against this or any other Act has been committed; or
- (b) until the Commissioner makes a decision under this Act in respect of the firearm.

## **99      Retention of certain seized firearms**

- (1) Where a firearm is seized under section 126(2AA) of the *Police Administration Act*:
    - (a) if it is not the property of the person involved in the event that led to it being seized, the Commissioner is to return it to its owner within 30 days if satisfied that:
      - (i) it will not be kept on or in the premises, vehicle or vessel from which it was seized; or
      - (ii) if it is to be so kept, adequate arrangements have been made to ensure that it is not likely to be used to place any person on or in the premises, vehicle or vessel in imminent danger of suffering personal injury or an aggravation of a personal injury; or
    - (b) if the firearm is the property of the person involved in the event, the Commissioner may retain it:
      - (i) for 90 days after its seizure; or
      - (ii) until the expiration of any period of revocation of a certificate of registration, licence or permit resulting from the person being placed on a restraining order or found guilty of an offence,
- whichever is the longer period.



- (2) The Commissioner may, with the consent of the owner of a firearm to which this section applies, arrange for the firearm to be stored by a person who may lawfully possess the firearm.
- (3) A person who stores a firearm under subsection (2) must comply with the directions or conditions, if any, of the Commissioner in relation to the firearm.

Penalty:      50 penalty units or imprisonment for 12 months.

- (4) The Commissioner or a member of the Police Force is not liable for any charge in relation to the storage of a firearm under subsection (2) and any charge is a debt due and payable by the owner of the firearm to the person with whom the firearm is stored.
- (5) A person with whom a firearm is stored under this section must not allow any person (including its owner) to have possession of the firearm except in accordance with the directions or conditions of the Commissioner.

Penalty:      50 penalty units or imprisonment for 12 months.

- (6) A person must not take possession of a firearm the subject of an arrangement under this section except in accordance with the directions or conditions of the Commissioner.

Penalty:      50 penalty units or imprisonment for 12 months.

- (7) Despite section 102, all certificates of registration, licences, permits and authorisations under this Act held by a person found guilty of an offence against subsection (5) or (6) are, on the finding of guilt, revoked and all firearms to which they relate are forfeited to the Territory.

## **100      No liability for loss, &c.**

The Territory, the Commissioner or a member of the Police Force is not liable for an act or omission of the Commissioner or a member of the Police Force done or made in good faith in the performance or exercise, or purported performance or exercise, of a power or function under this Act.

## **101      Report to be made in certain circumstances**

- (1) A medical practitioner, psychologist, psychiatrist or social worker who believes on reasonable grounds that, in the interests of public safety, a person is not a fit and proper person to have a firearm in his or her possession or control must report to a member of the Police Force the belief and the material facts on which the belief is based.

- (2) Where a medical practitioner, psychologist, psychiatrist or social worker, acting in good faith, makes a report under or in purported compliance with subsection (1):
  - (a) the report is not to be taken to be a breach of confidence or of professional etiquette or ethics or of a rule of professional conduct; and
  - (b) no civil or criminal liability is incurred by reason only of the making of the report.

## **102      Revocation, disqualification and forfeiture, &c.**

- (1) Where a court:
  - (b) under the *Justices Act*, orders a person to keep the peace and the person is the holder of a licence, permit or certificate of registration,

it is to revoke the licence, permit or certificate of registration (whether or not a firearm to which it relates is implicated in the offence or incident) unless satisfied that the licence, permit or certificate should not be revoked and, subject to subsection (5), may make such other orders in relation to the surrender, delivering up, disposal or safe keeping of a firearm owned or in the possession of the person as it thinks fit.

- (2) Where a person is charged with an offence relating to a firearm or involving the use of a firearm and the court finds the person guilty of the offence, it may:
  - (a) disqualify the person from holding a specified licence or permit for the period specified by the court;
  - (b) subject to this Act, order that a firearm registered in the name of, or in the possession of, the person be forfeited to the Territory; or
  - (c) direct that the person must not, within a period of not more than 2 years after the making of the order, apply to register a firearm or to be granted a licence or permit,

and subject to paragraph (b) and subsections (4) and (5), may make such other orders in relation to the surrender, delivering up, disposal or safe keeping of the firearm as it thinks fit.

- (3) The Commissioner is not to grant a licence or permit to a person referred to in subsection (2)(a) during the period of the disqualification specified by the court.

- (4) If the court is satisfied that the person in whose name the firearm is registered:
  - (a) is not implicated in the offence, it is not to order the firearm to be forfeited but may order that it be given to that person; or
  - (b) is implicated in the offence, it may order that the firearm is forfeited to the Territory.
- (5) A decision or action of the court under subsection (1), (2) or (4) does not affect a power of a person under this Act to revoke or suspend a licence, permit or certificate of registration.

### **103      Duplicate certificates and licences**

- (1) Where the Commissioner is satisfied that a licence, permit or certificate of registration has been damaged, destroyed, lost or stolen, the Commissioner may, on application of the holder, issue to the holder a duplicate in the approved form.
- (2) An application under subsection (1) is to be in the approved form accompanied by the determined fee.

### **104      Averments**

In proceedings for an offence against this Act, an averment in a complaint or information that:

- (a) a specified person was or was not, at a specified time, the holder of a specified licence, permit or certificate of registration;
- (b) a specified firearm is of a specified calibre, category or kind;
- (c) particular markings on a firearm are the marks of a specified manufacturer of firearms;
- (d) a specified firearm was, at a particular time, registered or not registered;
- (e) a licence, permit or certificate of registration was subject to specified conditions at a specified time;
- (f) a time limit prescribed by this Act has or has not expired; or
- (g) a specified area of land was, at a particular time, owned or occupied by a specified person,

is evidence of the fact so averred.

## **105      Evidentiary**

Proof that a firearm, ammunition or a silencer was at the material time in or on a place of which a person was:

- (a) the occupier; or
- (b) concerned in the management or control,

is evidence that it was then in the person's possession unless it is shown that the person did not know or had no reason to suspect that it was in or on that place.

## **106      Service of notices, &c.**

- (1) A notice or other document required or permitted to be served on a person under this Act may be served:
  - (a) by delivering it to the person;
  - (b) by posting it to the person's last-known place of business or residence;
  - (c) by leaving it at the person's last-known place of business or residence with a person who is apparently over the age of 16 years and living or working there; or
  - (d) in the case of a corporation, by delivering or posting it to the registered office in the Territory or otherwise as provided by the Corporations Act 2001.
- (2) A notice or other document required or permitted to be served on the holder of a firearms employee licence may be served by leaving it with or posting it to the holder of the firearms corporate licence referred to in the firearms employee licence.
- (3) A notice required to be given to the Commissioner may be given to or served on the Commissioner personally or by post or may be given to or served on a member of the Police Force at a police station.

## **107      Offences by corporations**

- (1) If a corporation contravenes or fails to comply with a provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.

- (2) A person may be charged with and found guilty of an offence in accordance with subsection (1) whether or not the corporation is charged with or found guilty of the offence.

**107A      Offences by holders of firearms corporate licence, firearms museum licence and firearms club licence**

- (1) If the holder of a firearms corporate licence, firearms museum licence or firearms club licence contravenes or fails to comply with a provision of this Act, the person who at the time of the offence is the representative of the holder of the licence under section 9 or 91A is taken to have contravened or failed to comply with the same provision as if the person knowingly authorised or permitted the contravention or failure to comply.
- (2) A person may be charged with and found guilty of an offence in accordance with subsection (1) whether or not the holder of the licence is charged with or found guilty of the offence.

**108      Commencement of prosecutions**

A prosecution for an offence against this Act is to be commenced:

- (a) not later than 12 months after the commission of the offence;  
or
- (b) not later than 12 months after the offence is discovered but, in any event, not later than 2 years after the commission of the offence.

**109      Regulatory offences**

An offence against this Act, other than sections 61, 74(2), 89 and 95, is a regulatory offence.

**110      Compensation for surrendering certain prohibited firearms**

- (1) This section applies to the following kinds of firearms:
- (a) a self-loading rimfire or centre-fire rifle;
- (b) a self-loading shotgun;
- (c) a pump action shotgun;
- (d) a prescribed prohibited firearm.
- (2) A person who, before the commencement of this Act, lawfully acquired possession of a firearm to which this section applies is entitled to compensation from the Territory if the firearm is

surrendered by or on behalf of the person to a member of the Police Force on or before 30 September 1997.

- (3) The Minister is to determine the amount of compensation payable under this section.
- (4) A firearm surrendered under this section is forfeited to the Territory after compensation for the firearm is paid in accordance with this section.
- (5) The Commissioner is to make arrangements:
  - (a) for the manner in which a firearm is to be surrendered under this section; and
  - (b) for the disposal or destruction of a firearm surrendered under this section, including arrangements ensuring that a surrendered firearm having special historical significance is preserved and dealt with in an appropriate manner.
- (6) Where the application of this section would, but for this subsection, result in an acquisition of a firearm otherwise than on just terms, despite the payment of compensation, the person from whom the firearm is acquired is entitled to receive just compensation for the acquisition and a court of competent jurisdiction may determine the amount of the compensation or make such order as, in its opinion, is necessary to ensure that the acquisition is on just terms.

## **111 Regulations**

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:
  - (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The Regulations may prescribe conditions to which a licence is subject that prohibit or restrict the right of the holder of the licence to undertake activities otherwise permitted under the licence.

## **112 Repeal**

The Acts specified in Schedule 7 are repealed.

## **113 Transitional**

- (1) In this section, ***repealed Act*** means the *Firearms Act* as in force immediately before the commencement of this Act.

- (2) Where, immediately before the commencement of this Act, a person was the holder of a licence granted under the repealed Act, the person is, on that commencement, deemed to be the holder of an equivalent licence granted under this Act.
- (3) A licence deemed granted under subsection (2):
  - (a) is subject to the same terms and conditions to which the licence was granted under the repealed Act; and
  - (b) remains in force for the same period as the equivalent licence granted under this Act as if it had been granted for that period under the repealed Act.
- (4) A person who is the holder of a licence deemed granted under subsection (2) may possess, but not use, a prohibited firearm under the licence for the period ending on 30 September 1997.
- (5) A firearm registered under the repealed Act is, on the commencement of this Act, deemed:
  - (a) to be registered under this Act; or
  - (b) in the case of a prohibited firearm, to be registered for the period ending on 30 September 1997.
- (6) The Commissioner may, for the purposes of subsection (2), determine, in respect of a licence granted under the repealed Act, what is an equivalent licence under this Act.
- (7) The Commissioner is, as soon as practicable, after the commencement of this Act, to issue to a person referred to in subsection (2) the licence deemed granted under that subsection.
- (8) Where, immediately before the commencement of this Act, a licence granted under Division 2 of Part 4 of the repealed Act was in force, the licence is, on that commencement, deemed to be an approval in respect of the premises specified in the licence.
- (9) Where, immediately before the commencement of this Act, a person was the holder of a temporary permit granted under the repealed Act, the person is, on that commencement, deemed to be the holder of a permit granted under this Act for the same purpose and subject to the same terms and conditions to which the temporary permit under the repealed Act was subject.
- (10) The register kept under the repealed Act is the register for the purposes of this Act.

- (11) The members of the Firearms Appeal Tribunal appointed under section 41 of the repealed Act are, on the commencement of this Act, the members of the Tribunal for the remainder of the period for which they were appointed under the repealed Act.
- (12) The secretary of the Firearms Appeal Tribunal established under section 41 of the repealed Act is, on the commencement of this Act, the secretary of the Tribunal.



## **Schedule 1**

### section 3

#### **PROHIBITED FIREARMS**

- 1 A machine gun, sub-machine gun or other firearm capable of propelling projectiles in rapid succession during one pressure of the trigger.
- 2 A self-loading rimfire rifle (including such a firearm described elsewhere in this Schedule).
- 3 A self-loading centre-fire rifle (including such a firearm described elsewhere in this Schedule).
- 4 A self-loading or pump action shotgun (including such a firearm described elsewhere in this Schedule).
- 5 A self-loading centre-fire rifle of a kind that is designed or adapted for military purposes.
- 6 A self-loading shotgun of a kind that is designed or adapted for military purposes.
- 7 A firearm that substantially duplicates in appearance (regardless of calibre or manner of operation) a firearm referred to in item 1, 5 or 6.
- 8 A shotgun fitted with or designed to be fitted with a drum magazine of the "Striker 12" assault shotgun type or any similar weapon.
- 9 A firearm to which there is attached an article or device capable of muffling, reducing or stopping the noise created by firing the firearm.
- 10 A firearm, not being a pistol, fitted with a stock that is specially designed so as to be readily detachable, or to operate on a swivel, folding or telescopic basis.
- 11 A firearm made up in the form of a stylographic or propelling pen or pencil, capable of being used for the discharge of gas, bullets, shot, dye or pyrotechnic flares.
- 12 A firearm capable of discharging by any means:
  - (a) an irritant matter in liquid, powder, gas or chemical form;
  - (b) an pyrotechnic flare or dye, other than distress signal devices; or
  - (c) an article known as a "paint-ball".

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13 A firearm that substantially duplicates in appearance a walking stick or walking cane.

14 A cannon or other weapon by whatever name known of a type that will expel a projectile by the action of an explosive or other propellant, and that has a barrel with a bore in excess of 10 gauge.

15 A firearm or part that has a dimension less than the minimum dimension prescribed for the firearm or part.

16 An imitation or replica of a firearm (including a imitation or replica pistol, blank fire pistol, shortened firearm, machine gun or sub-machine gun) unless it is of a type approved by the Commissioner.

## **Schedule 2**

section 3

### **CATEGORY A FIREARMS**

Air rifles

Rimfire rifles, other than self-loading

Shotguns, other than pump action or self-loading

Shotgun and rimfire rifle combinations

## **Schedule 3**

section 3

### CATEGORY B FIREARMS

Muzzle-loading firearms

Centre-fire rifles, other than self-loading

Shotgun and centre-fire rifle combinations

## **Schedule 4**

section 3

### **CATEGORY C FIREARMS**

Self-loading rimfire rifles with magazine capacity of no more than 10 rounds

Self-loading shotguns with magazine capacity of no more than 5 rounds

Pump action shotguns with magazine capacity of no more than 5 rounds

Firearms designed to discharge tranquillisers

## **Schedule 5**

section 3

### **CATEGORY D FIREARMS**

Self-loading centre-fire rifles

Self-loading shotguns with capacity of more than 5 rounds

Pump action shotguns with capacity of more than 5 rounds

Self-loading rimfire rifles with magazine capacity of more than 10 rounds

Firearms, other than pistols, less than 70 cm in length and capable of being concealed on or about the person

Inoperable machine guns

**Schedule 6**

section 3

CATEGORY H FIREARMS

Pistols and air pistols

## Schedule 7

section 112

### REPEALED ACTS

<i>Firearms Act 1992</i>	No. 54, 1992
<i>Firearms Act 1992 Amendment Act 1993</i>	No. 4, 1993
<i>Firearms Amendment Act 1993</i>	No. 37, 1993



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## ENDNOTES

**1****KEY**

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

**2****LIST OF LEGISLATION*****Firearms Act 1997 (Act No. 2, 1997)***

Assent date	11 March 1997
Commenced	13 March 1997 ( <i>Gaz</i> S8, 13 March 1997)

***Firearms Amendment Act 2000 (Act No. 39, 2000)***

Assent date	19 August 2000
Commenced	19 August 2000

***Firearms Amendment Act (No. 2) 2000 (Act No. 64, 2000)***

Assent date	14 December 2000
Commenced	1 January 2001 ( <i>Gaz</i> S63, 22 December 2000, p 1)

***Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)***

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 <i>Corporations Act 2001</i> (Cth Act No. 50, 2001) and Cth <i>Gaz</i> S285, 13 July 2001)

**3****LIST OF AMENDMENTS**

s 3	amd No. 39, 2000, s 3; No. 64, 2000, s 4
s 4	amd No. 64, 2000, s 5
s 9	amd No. 64, 2000, s 6
s 10	amd No. 64, 2000, s 7
s 10A	ins No. 64, 2000, s 8
s 11	amd No. 64, 2000, s 9
s 14	amd No. 64, 2000, s 10
ss 17 – 20	amd No. 64, 2000, s 37
s 22	amd No. 64, 2000, ss 11 and 37
ss 23 – 25	amd No. 64, 2000, s 37
s 26	amd No. 64, 2000, ss 12 and 37
pt 3	
div 12 hdg	ins No. 64, 2000, s 13
ss 30A – 30B	ins No. 64, 2000, s 13

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pt 3	
div 13 hdg	ins No. 64, 2000, s 13
s 30C	ins No. 64, 2000, s 13
s 31	amd No. 64, 2000, s 14
s 33	amd No. 39, 2000, s 4; No. 64, 2000, s 15
s 33A	ins No. 39, 2000, s 5
s 34	amd No. 64, 2000, s 16
s 35	amd No. 64, 2000, s 17
s 39	amd No. 64, 2000, s 18
s 40	amd No. 64, 2000, ss 19 and 37
s 42	amd No. 64, 2000, s 37
s 44	amd No. 64, 2000, s 37
s 44A	ins No. 64, 2000, s 20
ss 45 – 46	amd No. 64, 2000, s 37
ss 48 – 49	amd No. 64, 2000, s 37
s 51	amd No. 64, 2000, s 37
s 53	amd No. 64, 2000, s 37
s 53A	ins No. 64, 2000, s 21
s 58	amd No. 64, 2000, ss 22 and 37
ss 59 – 60	amd No. 64, 2000, s 37
s 61	rep No. 64, 2000, s 23
s 62	amd No. 64, 2000, s 37
s 63	amd No. 64, 2000, s 24
s 64	amd No. 64, 2000, ss 25 and 37
s 65	sub No. 64, 2000, s 26
s 66	amd No. 39, 2000, s 6; No. 64, 2000, s 37
ss 67 – 70	amd No. 64, 2000, s 37
s 71	amd No. 64, 2000, ss 27 and 37
s 72	amd No. 64, 2000, s 37
s 73	amd No. 64, 2000, ss 28 and 37
ss 74 – 75	amd No. 64, 2000, s 37
s 76	amd No. 64, 2000, ss 29 and 37
s 77	sub No. 64, 2000, s 30
ss 78 – 91	amd No. 64, 2000, s 37
s 91A	ins No. 64, 2000, s 31
ss 94 – 96	amd No. 64, 2000, s 37
s 99	amd No. 64, 2000, s 37
s 102	amd No. 64, 2000, s 32
s 106	amd No. 17, 2001, s 21
s 107A	ins No. 64, 2000, s 33
s 111	amd No. 64, 2000, s 34
s 113	amd No. 64, 2000, s 35
sch 5	amd No. 64, 2000, s 36