NORTHERN TERRITORY OF AUSTRALIA

FIREARMS ACT

As in force at 1 July 2010

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2010

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:

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) a paintball pellet; or

(e) an article prescribed by regulation.

approved means approved by the Commissioner.

approved paintball operator means the holder of a paintball operator licence or permit.

approved paintball range means the premises specified in a paintball operator licence or permit.

category H sports shooter means a person who:

(a) is the holder of a licence to possess and use prescribed category H firearms;

(b) is a member of an approved firearms club; and

(c) participates in category H sports shooting.

category H sports shooting means participation in prescribed category H shooting disciplines at an approved firearms club.

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

Commissioner means the Commissioner of Police.

corresponding, in relation to a licence, permit or certificate of registration, 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, permit or certificate of registration 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(b) an offence against a law, or a repealed law, of the Territory or another jurisdiction (including a jurisdiction outside Australia) that substantially corresponds to an offence mentioned in paragraph (a).

domestic violence order, see the *Domestic and Family Violence Act*.

final domestic violence order means:

(a) a domestic violence order other than an interim order; or

(b) a registered external order.

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 projectile:

(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).

firearm part means a part referred to in subsection (1A).

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 domestic violence order means:

(a) a domestic violence order to which Part 2.10 of the *Domestic and Family Violence Act* applies that has not been confirmed under the Part; or

(b) an interim order.

interim order, see the *Domestic and Family 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.

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, or a repealed law, of the Territory or another jurisdiction (including a jurisdiction outside Australia) that substantially corresponds to an offence mentioned in paragraph (a).

order to keep the peace means an order under section 99 of the *Justices Act* requiring the person in relation to whom the order is made to keep the peace or to enter into a recognizance to keep the peace.

paintball means a game in which players attempt to shoot at one another with prescribed paintball firearms using prescribed paintball pellets.

paintball employee means the holder of a paintball employee licence.

paintball employee licence means a licence in force under Part 3, Division 14, Subdivision 2, for employment by an approved paintball operator.

paintball firearm means a firearm designed to discharge paintball pellets.

paintball operator means a person carrying on the business of providing a paintball range, paintball firearms and pellets and other things for playing paintball.

paintball operator licence means a licence in force under Part 3, Division 14, Subdivision 1, for the business of paintball operator at a paintball range.

paintball operator permit means a permit in force under Part 4 for the business of paintball operator at a temporary paintball range.

paintball pellets means pellets that:

(a) consist primarily of a dye, paint or similar marking substance; and

(b) are designed to be discharged from a firearm.

paintball player declaration, see section 60K(1)(a).

paintball range means premises for playing paintball.

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 and store the firearm or ammunition.

premises includes buildings and land.

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

prohibited person, for Part 11, Division 2B, see section 60B.

purchase means to do or cause or allow to be done any of the following, whether or not for valuable consideration:

(a) purchase by wholesale, retail, auction or tender;

(b) obtain by barter or exchange;

(c) receive by transfer, exchange, assignment or settlement.

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

registered means registered under this Act.

registered external order, see the *Domestic and Family Violence Act*.

representative for:

(a) a firearms corporate licence, firearms museum licence or firearms club licence – means the person nominated under section 9(4)(a), (5)(a) or (6)(a); or

(b) a paintball operator licence or permit – see section 9(9)(b)(i) or 32(3)(b)(i);

and includes the person for whom a notice is given under section 91A.

sale means to do or cause or allow to be done any of the following, whether for profit, valuable consideration or otherwise:

(a) sell by wholesale, retail, auction or tender;

(b) dispose of by barter, transfer, exchange, assignment or settlement;

(c) offer for sale, receive for sale, have in possession for sale or expose or exhibit for sale;

(d) conduct negotiations for sale.

shooting member, of an approved firearms club, means a full member of the firearms club who has completed the period of probation (if any) as a member and does not include a person who is a social or associate member (however called) of the club.

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.

specially accredited discipline means a category H sports shooting discipline that is prescribed as a discipline for which a category H firearm with a calibre greater than .38" but not greater than .45" may be used.

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.

(3A) For the purposes of this Act, a person is a close associate of an applicant for, or the holder of, a firearms dealer licence or paintball operator licence or permit if the person:

(a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in his or her own right, on behalf of any other person or for the benefit of any other person), in the business of the applicant or holder and, by virtue of that interest or power, is or will be able to exercise a significant influence over, or with respect to, the conduct or control of that business; or

(b) holds or will hold any relevant position (whether in his or her own right, on behalf of any other person or for the benefit of any other person) in the business of the applicant or holder.

(3B) In subsection (3A):

relevant financial interest, in a business, means:

(a) any interest in or entitlement to the capital or assets of the business, including any interest or entitlement where the business is carried on under a trust; or

(b) any entitlement to receive any income derived from the business, whether the entitlement arises at law or in equity or otherwise.

relevant position, in a business, means a position whose holder participates in or is entitled to participate in the management of the business (whether in the capacity of a director, manager, secretary, partner or in any other capacity).

relevant power, in a business, means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

(a) to participate in any managerial or executive decision about the business; or

(b) to elect or appoint any person to any relevant position in the business.

(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;

(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 an approved paintball range, 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:

(a) the forming of the necessary opinion for the purposes of section 10(8A), 33(3A) or 40A(1); or

(b) 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.

(4) A document certified by the Commissioner to be an extract from, or copy of, an entry in the register must be received in all courts and on all occasions as evidence and is taken to be sufficient proof of the particulars contained in that entry without requiring the production of the register from which the extract or copy was taken.

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.

(7) An application for a firearms dealer licence or paintball operator licence must specify:

(a) the name and address of each person who is a close associate of the applicant; and

(b) particulars of the nature of the person's association with the applicant.

(8) Only a body corporate may apply for a paintball operator licence.

(9) An application for a paintball operator licence must:

(a) describe the applicant's proposed business; and

(b) specify the names and addresses of the following persons:

(i) the person who will be primarily responsible for the control and management of the business (the ***representative***);

(ii) prospective paintball employees of the business; and

(c) be accompanied by evidence that the applicant has public liability insurance for the amount prescribed by regulation.

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 against this Act or the *Weapons Control Act* or 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 2 years have elapsed since the person was found guilty of the offence; and

(b) in the case where a custodial sentence was imposed – 5 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) Subject to subsections (6) and (6A), the Commissioner must not grant a licence unless satisfied the applicant or, for an application for a paintball operator licence, the representative:

(a) is at least 18 years of age unless the licence applied for is a firearms club junior licence; or

(b) is a fit and proper person; or

(c) has completed an approved firearms training and safety course; or

(d) is able to meet the storage and safety requirements under this Act; or

(e) resides in the Territory or is about to become a resident of the Territory; or

(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; or

(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; or

(g) is not subject to a final domestic violence order or has not, within the period of 5 years before the application for the licence was made, been subject to a final domestic violence 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 or representative may not personally exercise continuous and responsible control over firearms because of:

(a) the applicant's or representative's way of living or domestic circumstances;

(b) any attempts by the applicant or representative to commit suicide or cause a self-inflicted injury; or

(c) the applicant's or representative'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:

(a) an applicant who is already the holder of a licence when the application is made; or

(b) an application for a paintball operator licence.

(6A) Subsection (3)(d) does not apply to an application for a paintball operator licence.

(7) Except in the case of a firearms dealer licence, firearms museum licence, firearms club licence, firearms corporate licence or paintball operator 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.

(8A) The Commissioner must refuse to grant a licence if the Commissioner is of the opinion, having regard to any criminal intelligence report or other criminal information the Commissioner holds about the applicant or representative, that:

(a) the applicant or representative is a risk to public safety; and

(b) the grant of the licence would be contrary to the public interest.

(8B) The Commissioner is not, under this or any other Act or law, required to give reasons for refusing to grant a licence on the grounds referred to in subsection (8A).

(9) The Regulations may provide other mandatory or discretionary grounds for refusing to grant a licence.

10AA Restriction on grant of category H sports shooter's licence

The Commissioner must not grant a category H sports shooter's licence unless the application is accompanied by an endorsement from an approved firearms club to the effect that:

(a) the applicant is a member of the club;

(b) the applicant has provided the club with:

(i) details of the applicant's membership of any other firearms clubs and the firearms owned by the applicant; and

(ii) at least 2 character references from persons who have known the applicant for at least 2 years; and

(c) the club supports the application.

10AB Restriction on grant of firearms dealer licence

The Commissioner must not grant a firearms dealer licence if the Commissioner:

(a) is of the view that a person who (in the opinion of the Commissioner) is or will be a close associate of the applicant is not a fit and proper person to be a close associate of the holder of a firearms dealer licence; or

(b) is not satisfied that the applicant will be the person primarily responsible for the control and management of the business to be carried on under the authority of the licence.

10AC Restriction on grant of firearms collector licence

The Commissioner must not grant a firearms collector licence unless:

(a) the Commissioner is satisfied that the applicant is a genuine historical collector of firearms;

(b) the applicant is a member of an approved historical firearms collector's society and the society has endorsed the application for the licence; and

(c) the applicant can demonstrate that he or she can comply with the prescribed requirements for storage and safe keeping of firearms held under the licence.

10AD Restriction on grant of paintball operator licence

The Commissioner must not grant a paintball operator licence unless:

(a) the Commissioner is satisfied each person who is or will be a close associate of the applicant is a fit and proper person to be a close associate of the holder of a paintball operator licence; and

(b) the Commissioner is satisfied the applicant is able to meet the storage and safety requirements under this Act; and

(c) the premises are approved under section 49A.

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

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 representative does not hold a licence; or

(b) the Commissioner is not satisfied the representative 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;

(n) paintball operator or employee.

(3) The Regulations may provide that the genuine reasons for possessing or using a specified category of firearm are limited to only one or some of the reasons specified in subsection (2).

Division 2 General provisions

12 Form of licence

A licence is to contain:

(a) the prescribed particulars; and

(b) if the holder is an individual – 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:

(aa) any other conditions imposed under this Act;

(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; and

(b) a firearms club junior licence remains in force until the holder attains the age of 18 years; and

(c) a firearms armourer licence, firearms dealer licence and firearms corporate licence remains in force for one year; and

(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; and

(e) a firearms collector licence remains in force for 5 years; and

(ea) an antique firearms collector licence remains in force for the life of the licence holder; and

(f) a firearms club licence remains in force for 3 years; and

(g) a firearms instructor licence remains in force for one year; and

(h) a paintball operator licence remains in force for 1 year; and

(i) a paintball employee licence remains in force for 1 year or the shorter period specified in the licence.

(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.

(3) A licence is not renewable and a fresh application must be made for the grant of a new licence as required.

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 3A Category H sports shooter's licence

15A Category H sports shooter's licence

(1) A category H sports shooter's licence authorises the holder to possess only prescribed category H firearms.

(2) The holder of a category H sports shooter's licence is authorised to use a firearm under the licence only at an approved firearms club.

15B Procedure for obtaining licence

(1) A person who wishes to obtain a category H sports shooter's licence must be (or become) a shooting member of an approved firearms club.

(2) A person may apply for a category H sports shooter's licence if the person:

(a) is a shooting member of an approved firearms club;

(b) has satisfactorily completed an approved firearm safety training course; and

(c) holds, and has held for at least 3 months, a permit to use category H firearms under supervision for sports shooting.

(3) Subsection (2)(c) does not apply in relation to a person who, at the time of applying for a category H sports shooter's licence, is the holder of:

(a) a category H sports shooter's licence;

(b) a shooter's licence authorising the possession and use of a category H firearm that was granted for (or partially for) the genuine reason of sports shooting; or

(c) a corresponding licence.

15C Conditions of licence

A category H sports shooter's licence is subject to the following conditions:

(a) the only firearms that can be registered under the licence are prescribed firearms;

(b) the holder of the licence must be a member of an approved firearms club;

(c) the holder of the licence can use firearms under the licence only at an approved firearms club;

(d) the holder of the licence must participate in category H sports shooting events at the prescribed participation rate or satisfy the Commissioner as to the reason the holder was unable to participate at that rate.

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.

16A Information about close associates of firearms dealers

(2) If the holder of a firearms dealer licence becomes aware that the close associates (if any) of the holder have changed since the submission to the Commissioner of the holder's most recent application for a licence or most recent declaration under this section, the holder must submit to the Commissioner within 7 days of this subsection coming into operation or of the change to the close associates (whichever is the later) a declaration:

(a) notifying the Commissioner in writing of that fact; and

(b) setting out the name and address of each person who is a close associate of the holder and particulars of the nature of the person's association with the holder.

(3) The Commissioner may, by written notice served on the holder of a firearms dealer licence, require the holder to submit to the Commissioner within the time specified in the notice and in the approved form:

(a) a declaration to the effect that:

(i) the holder (and no other person) is the person primarily responsible for the control and management of the firearms dealing business that is carried on under the licence; or

(ii) another person or other persons (whether instead of or in addition to the holder) are primarily responsible for the control and management of that business; and

(b) a declaration:

(i) to the effect that the close associates (if any) of the holder have not changed since the submission to the Commissioner of the holder's most recent application for a licence or most recent declaration under this section; or

(ii) setting out the name and address of each person who is a close associate of the holder and particulars of the nature of the person's association with the holder.

(4) A person must not:

(a) fail to make a declaration as required by this section; or

(b) in a declaration under this section, make a statement or provide information that the person knows is false or misleading in a material particular.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

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 and firearm parts possessed under the licence.

(2) The holder of a firearms dealer licence must, not later than 24 hours after a sale or purchase of a firearm or firearm part by the dealer, record in the dealer's register the prescribed particulars of the firearm or firearm part and the prescribed details of the sale or purchase.

(3) The holder of a firearms dealer licence must, not later than 7 days after a transaction involving the sale, purchase or storage of a firearm or firearm part, give the Commissioner a record of the transaction in the approved form.

(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 or firearm part that has been 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 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 or firearm part 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 purchase, receipt, sale or possession by the holder of any firearms or firearm parts 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

(1) If the holder of a firearms dealer licence:

(a) employs a prescribed person in the business authorised by the licence; or

(b) permits a prescribed person to act as an agent for, or participate in the management of, that business,

the holder and the prescribed person are each guilty of an offence.

Penalty: 400 penalty units or imprisonment for 2 years.

(2) It is a defence to the prosecution of the holder of a firearms dealer licence for an offence against subsection (1) if the defendant proves that he or she did not know, and could not reasonably have been expected to know, that the person was a prescribed person.

(3) In this section:

prescribed person means a person who, whether in the Territory or elsewhere:

(a) has, within the preceding 10 years, had his or her firearms dealer licence revoked;

(b) has, within the preceding 10 years, had his or her application for a licence or permit refused, or had his or her licence or permit revoked, on the grounds that the Commissioner:

(i) was not satisfied that the person was a fit and proper person; or

(ii) considered that a grant of the licence or permit to the person would be contrary to the public interest;

(c) has been found guilty of a disqualifying offence within the preceding 10 years;

(d) has been found guilty of an offence of violence within the preceding 5 years;

(e) is the subject of a final domestic violence order or, if the person was previously the subject of a final domestic violence order, less than 5 years have passed since the order expired or ceased to have effect;

(f) is the subject of an order to keep the peace;

(g) is the holder of a firearms licence that is suspended or was the holder of a firearms licence that expired while the licence was suspended and the person has not been granted another licence or a permit; or

(h) is prohibited from applying for a licence by a provision of this Act or an order of a court.

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.

22A Records to be kept by firearms armourer

(1) The holder of a firearms armourer licence is to record in the approved form the particulars of:

(a) each firearm that has come into the holder's possession under the licence; and

(b) each firearm that is no longer in the holder's possession.

(2) A record required to be kept under subsection (1) must be made within 24 hours after a firearm comes into, or is no longer in, the possession of the holder of the firearms armourer licence.

(3) The holder of a firearms armourer licence must provide to the Commissioner a copy of a record required to be kept under subsection (1) not later than 7 days after the end of March, June, September and December in each year.

(4) A holder of a firearms armourer licence who fails to comply with this section commits an offence.

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 required to be 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.

(1A) A firearms collector licence that authorises the possession of category H firearms does not authorise the holder of the licence to possess category H firearms that were manufactured after 31 December 1946 unless the holder is a student of arms within the meaning of section 35C(2).

(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) On the request of a police officer, the holder of a firearms collector licence must allow the officer to:

(a) inspect all firearms in the holder's possession under the licence; and

(b) inspect the premises and the receptacles in which the firearms are kept.

Maximum 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 6A Antique firearms collector licence

25A Antique firearms collector licence

(1) An antique firearms collector licence authorises the holder to possess and display only firearms:

(a) of a category specified in the licence; and

(b) that were manufactured before 1 January 1900.

(2) The holder of an antique firearms collector licence must ensure that all firearms in the holder's possession 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.

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 or use a firearm held under the licence unless the person:

(a) is the holder of a firearms employee licence, is an employee of the holder of the corporate licence, and the firearm is in the possession of the person for a purpose relating to his or her duties as an employee;

(b) is the holder of a firearms instructor licence, is an employee or is otherwise engaged by the holder of the corporate licence in the capacity of an instructor, and the firearm is in the possession of the person for a purpose relating to his or her duties as an employee or instructor; or

(c) holds a relevant permit to possess and use a firearm of the type possessed under the corporate licence and the possession and use is in accordance with the conditions applying to the corporate licence.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

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

(1) 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 sports shooting or training purposes.

(2) If a firearms club is licensed to use category H firearms, the club is authorised under the licence to conduct category H sports shooting events only if:

(a) the category H sports shooting event is for a prescribed shooting discipline; and

(b) the club is affiliated with the appropriate national or international body that administers the particular shooting discipline.

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 required to be 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.

(4) The holder of a firearms club licence must provide to the Commissioner within 3 months after the end of each financial year an annual report in the approved form giving the following details:

(a) the name and address of each person who was a member of the firearms club during the year and whether or not the member was a financial member;

(b) particulars of category H firearms held by each of those members;

(c) particulars of participation in category H sports shooting events during the year by each of those members (if applicable), including the dates of the events.

Penalty: 100 penalty units.

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.

Division 14 Licences for paintball

Subdivision 1 Paintball operator licences

30D Effect of licence

A paintball operator licence authorises the holder, and the representative, to possess and use paintball firearms and pellets for carrying on the business of paintball operator at the paintball range specified in the licence.

Subdivision 2 Paintball employee licences

30E Effect of licence

A paintball employee licence authorises the holder to possess and use paintball firearms and pellets for purposes relating to the performance of the employee's duties as an employee of the approved paintball operator specified in the licence at the operator's approved paintball range.

30F Licence expires if holder ceases to be employee

If the holder of a paintball employee licence ceases to be employed by the approved paintball operator specified in the licence, the licence immediately expires.

30G Disclosure of information by Commissioner to approved paintball operator

(1) The Commissioner may give an approved paintball operator information held by the Commissioner about a paintball employee, or prospective paintball employee, of the operator (the ***relevant person***).

(2) The information given may only be information about:

(a) an authority, or corresponding authority, of the relevant person that has been suspended or revoked within 5 years before the information is given; or

(b) an application for an authority, or corresponding authority, by the relevant person that has been refused within 5 years before the information is given; or

(c) whether the operator is prohibited from employing the relevant person, and if so, the reason and period of the prohibition.

(3) If a paintball employee licence is suspended or revoked, the Commissioner must inform the approved paintball operator specified in the employee's licence.

(4) In this section:

authority means a licence, permit or certificate of registration.

Part 4 Permits

31 Grant of permits

(1) 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;

(fb) to authorise a person to use under supervision a category H firearm for sports shooting at an approved firearms club;

(fc) to authorise an approved firearms club to permit a person or class of persons to use under supervision a category H firearm for sports shooting at the firearms club;

(fd) to authorise an approved paintball operator, and the representative, to possess and use paintball firearms and pellets for carrying on the operator's business specified in the permit at the temporary paintball range specified in the permit;

(g) to authorise anything else for which provision is made by the Regulations and required by the Regulations to be authorised by a permit.

(2) The Commissioner must not grant a permit for the purpose specified in subsection (1)(fb) unless the application is accompanied by:

(a) an endorsement from an approved firearms club to the effect that:

(i) the applicant is a member of the club;

(ii) the applicant has provided the club with:

(A) details of the applicant's membership of any other firearms clubs and the firearms owned by the applicant; and

(B) at least 2 character references from persons who have known the applicant for at least 2 years; and

(iii) the club supports the application; and

(b) an authority from the applicant authorising the Commissioner to disclose to the club the applicant's criminal history at any time while the permit is in force.

(3) The Commissioner may grant a permit to authorise a person to do any or all of the things that may be authorised under a firearms armourer licence.

(4) Part 3, Division 5 applies (with the necessary changes) to the holder of a permit under subsection (3) as if the person were the holder of a firearms armourer licence.

32 Application for permit

(1) 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.

(2) Also, the applicant must give the Commissioner the further information requested by the Commissioner for considering the application.

(3) In addition, an application for a permit to carry on the business of paintball operator at a temporary paintball range must:

(a) describe the applicant's proposed business at the paintball range and the period for which the permit is required; and

(b) specify the names and addresses of the following persons:

(i) the person who will be primarily responsible for the control and management of the business (the ***representative***);

(ii) prospective paintball employees of the business; and

(c) specify:

(i) the name and address of each person who is a close associate of the applicant; and

(ii) particulars of the nature of the person's association with the applicant.

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 unless:

(i) the applicant is the holder of a firearms club junior licence; or

(ii) the permit is to use under supervision a category H firearm for sports shooting at an approved firearms club;

(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 final domestic violence order or has not, within 5 years before the application for the permit was made, been subject to a final domestic violence order;

(e) is not subject to an order, made in the Territory or elsewhere, to keep the peace; and

(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.

(3A) The Commissioner must refuse to grant a permit if the Commissioner is of the opinion, having regard to any criminal intelligence report or other criminal information the Commissioner holds about the applicant or representative, that:

(a) the applicant is a risk to public safety; and

(b) the grant of the permit would be contrary to the public interest.

(3B) The Commissioner is not, under this or any other Act or law, required to give reasons for refusing to grant a permit on the grounds referred to in subsection (3A).

(4) The Regulations may provide other mandatory or discretionary grounds for refusing to grant a permit.

(5) This section does not apply to an application for a paintball operator 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.

35A Permits for category H sports shooters

(1) The Commissioner must not grant to the holder of a category H sports shooter's licence a permit to purchase or acquire a firearm unless the holder has, at all times during the 6 months before the application for the permit, held one or the other of the following:

(a) a category H sports shooter's licence;

(b) a shooter's licence authorising the possession and use of a category H firearm that was granted for (or partially for) the genuine reason of sports shooting.

(2) The Commissioner must not grant to the holder of a category H sports shooter's licence a permit to acquire a firearm unless the permit is for a prescribed firearm.

(3) The Commissioner must not grant to the holder of a category H sports shooter's licence a permit to acquire a firearm if the acquisition under the permit would result in the holder exceeding the limits on firearm ownership specified in section 35B.

(4) The Commissioner may grant to the holder of a category H sports shooter's licence a permit to acquire a firearm only if the application for the permit is accompanied by an endorsement by an approved firearms club:

(a) to the effect that:

(i) the applicant is, and has been for more than 6 months, a shooting member of the firearms club;

(ii) the applicant has complied with the licence condition specified in section 15C(d); and

(iii) the club supports the application for a permit;

(b) giving details of the shooting disciplines the firearm to be purchased under the permit is to be used for at the club;

(c) confirming that the applicant has adequate storage facilities to cater for the firearm to be purchased under the permit;

(d) if the permit sought relates to a firearm with a calibre greater than .38", confirming that:

(i) the firearm is intended for use in a specially accredited discipline; and

(ii) the applicant is affiliated with the appropriate national or international body that administers the particular shooting discipline; and

(e) providing any further particulars that the Commissioner requires.

35B Limits on firearm ownership under category H sports shooter's licence

(1) The holder of a category H sports shooter's licence who has, at all times during the preceding 6 months, held one or the other of the following:

(a) a category H sports shooter's licence;

(b) a shooter's licence authorising the possession and use of a category H firearm that was granted for (or partially for) the genuine reason of sports shooting,

may hold only the following firearms under the licence:

(c) one .22" calibre pistol or one centrefire pistol;

(d) one .177" air pistol;

(e) one black powder muzzle loading pistol or one cap and ball percussion fired revolver.

(2) The holder of a category H sports shooter's licence who has, at all times during the preceding 12 months, held one or the other of the following:

(a) a category H sports shooter's licence;

(b) a shooter's licence authorising the possession and use of a category H firearm that was granted for (or partially for) the genuine reason of sports shooting,

may, in addition to the firearms permitted to be held under subsection (1), hold other firearms under the licence if the holder:

(c) demonstrates a genuine need for the additional firearms, including by specifying the category H sports shooting discipline for which the firearms are required; and

(d) has adequate storage facilities to cater for the additional firearms.

35C Permits under firearms collector licence

(1) The Commissioner must not grant a permit to the holder of a firearms collector licence for a firearm manufactured on or after 1 January 1947 unless:

(a) the holder is a student of arms within the meaning of subsection (2); and

(b) the firearm for which the permit is sought fits within the theme of the holder's firearms collection and will enhance the collection's historical or commemorative value.

(2) A person may be considered to be a student of arms if the person:

(a) is the holder of a firearms collector licence;

(b) is, and has been for at least 12 months, a member of an approved historical firearms collector's society and the society recognises the person to be a student of arms;

(c) can demonstrate regular attendance at meetings of the society and participation in displays held by the society;

(d) can demonstrate that the person's firearms collection has a thematic structure and historical or commemorative value; and

(e) possesses a research library or contributes to the literature on the theme of the person's collection.

35D Restriction on granting paintball operator permit

The Commissioner must not grant a paintball operator permit if the applicant would not be entitled to be granted a paintball operator licence to carry on the business of paintball operator at the paintball range for which the permit is sought.

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.

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 interim domestic violence order

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

(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: 50 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 final domestic violence order or an order to keep the peace being made against the holder; or

(b) on the holder being found guilty of a disqualifying offence, an offence of violence or an offence against this Act.

(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.

(2A) The Commissioner must, by written notice served on the holder of a licence or permit, revoke the licence or permit if satisfied that the loss or theft of a firearm was due to the negligence or fraud of the holder.

(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; or

(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; or

(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; or

(d) in the case of a licence or permit, if the holder contravenes a condition of the licence or permit; or

(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; or

(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; or

(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; or

(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; or

(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; or

(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; or

(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; or

(l) in the case of a paintball operator licence or permit, if:

(i) the holder is no longer entitled to use the approved paintball range; or

(ii) the holder no longer carries on the business of paintball operator at the approved paintball range.

(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: 50 penalty units or imprisonment for 12 months.

40A Revocation on basis of criminal intelligence

(1) The Commissioner must revoke a licence, permit or certificate of registration if the Commissioner is of the opinion, having regard to any criminal intelligence report or other criminal information the Commissioner holds about the holder of the licence or permit, the representative for the licence or permit or the person in whose name the firearm is registered, that:

(a) the holder, representative or person is a risk to public safety; and

(b) the holding of the licence or permit or the registration would be contrary to the public interest.

(2) The Commissioner is not, under this or any other Act or law, required to give reasons for revoking a licence, permit or certificate of registration on the grounds referred to in subsection (1).

40B Seizure of firearms on revocation

(1) If a licence, permit or certificate of registration is:

(a) suspended by the Commissioner under section 38;

(b) automatically suspended under section 39;

(c) automatically revoked under section 40; or

(d) revoked by the Commissioner under section 40 or 40A,

the Commissioner must cause notice of the suspension or revocation to be served personally on the person who was the holder of the licence or permit or in whose name the firearm was registered.

(2) At the time of serving a notice under subsection (1), a member of the Police Force may, without a warrant and using the force that is necessary and with any necessary assistance, enter premises, a vessel, vehicle, aircraft or other place to search for and seize any firearm or ammunition in the possession of the person whose licence or permit has been suspended or revoked or in whose name a firearm was registered until the registration was suspended or revoked.

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.

42 Suspension by police officer or Commissioner

(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.

(1A) The Commissioner may, by written notice served on the holder of a licence, permit or certificate, suspend the licence, permit or certificate for a specified period or until conditions specified in the notice are complied with.

(2) A person must, immediately after a notice under subsection (1) or (1A) 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.

(3) If the person does not comply with the notice, a police officer may, without a warrant:

(a) enter any place the officer reasonably believes the firearm may be found; and

(b) search the place and seize the firearm.

(4) The police officer may exercise the powers with the assistance, and using the force, that is reasonably necessary in the circumstances.

43 Refusal or revocation by Commissioner

(1) If 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.

(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 (if any); and

(b) any firearm to which the notice relates.

Penalty: 50 penalty units or imprisonment for 12 months.

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 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.

Part 7 Safe keeping of firearms

46 Storage and safe keeping requirements

(1) A person in possession of a firearm or ammunition:

(a) must take all reasonable precautions to ensure that:

(i) it is kept safely;

(ii) it is not stolen or lost; and

(iii) it does not come into the possession of a person who is not authorised to possess it; and

(b) must comply with the storage and safe keeping requirements under this Act that apply to the firearm or ammunition.

Penalty: If the offender is a natural person – 50 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 250 penalty units.

(2) Subsection (1)(b) does not apply in relation to a firearm if the person in possession of the firearm satisfies the Commissioner that the person has provided alternative arrangements for the storage and safe keeping of the firearm (and any ammunition) that are of a standard not less than the requirements under the Act.

(3) The Regulations may specify the minimum standards for storage and safe keeping of firearms or classes of firearms (and ammunition).

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, for shooting activities and paintball ranges

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 section 49.

(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 section 49.

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 section 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 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, 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 suspend, for a specified period or until specified conditions are complied with, or revoke an approval given under this section 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.

49A Approval of premises for use as paintball range

(1) A person may apply to the Commissioner for an approval for the use of premises as a paintball range.

(2) The application must be in the approved form.

(3) The Commissioner must, as soon as practicable:

(a) consider the application and approve or refuse it; and

(b) give written notice to the applicant of the decision and, if refused, the reasons for it.

(4) Without limiting subsection (3), the Commissioner must refuse the application unless satisfied:

(a) the person has all necessary approvals for the use of the premises as a paintball range under the laws of the Territory; and

(b) the premises are suitable for use as a paintball range; and

(c) 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.

(5) In deciding whether premises are suitable for use as a paintball range, the Commissioner must consider:

(a) if a building is constructed on the premises – its design and construction; or

(b) if a building is to be constructed on the premises – its design and proposed construction.

(6) The approval may be subject to the reasonable conditions the Commissioner considers appropriate.

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 Firearms Council Incorporated.

(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 Firearms Council Incorporated, 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 or action.

(2) An appeal under subsection (1) is instituted by the person lodging with the Tribunal a notice of appeal in the prescribed form accompanied by the determined fee.

(2A) A notice of appeal must be lodged with the Tribunal:

(a) within 28 days after the decision or action of the Commissioner appealed against; or

(b) if the Tribunal is satisfied that the person has a reasonable excuse for not lodging the notice within 28 days – within the additional time that the Tribunal allows.

(2B) A notice of appeal must state fully and in detail the grounds upon which the appeal is based and give particulars of the material on which the appellant relies.

(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.

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.

(3) The Tribunal must publish its reasons for its decision (including if its decision is to confirm the decision or action of the Commissioner).

54A Tribunal can make order for costs in certain cases

(1) The Tribunal may make an order for costs against a party to an appeal if satisfied that:

(a) the party's conduct in the proceedings is or was frivolous or calculated to cause delay; or

(b) the party has, in the circumstances of the case, acted unreasonably.

(2) An order for costs awarded by the Tribunal may be entered in the records of the Local Court as if it were a judgment given in that Court for a debt due to the person to whom the costs were awarded and, on entry in those records, is enforceable under the *Local Court Act* as such a judgment.

54B Procedure of Tribunal

(1) Before the hearing of an appeal, a question of law or procedure (including a request for an adjournment or an extension of time) in relation to the appeal may be heard and determined by the Chairperson alone, without the need to convene the Tribunal.

(2) Subject to subsection (1), all issues to be considered by the Tribunal must be determined by majority decision.

(3) Schedule 7 applies in relation to the procedure of the Tribunal at a hearing before the Tribunal.

(4) Subject to this Part and Schedule 7, the procedure of the Tribunal at a hearing before the Tribunal is as determined by the Chairperson.

54C Appeal to Supreme Court

(1) A party to a proceeding before the Tribunal who is aggrieved by a decision of the Tribunal may appeal against that decision, on a question of law only, to the Supreme Court in accordance with the Rules of that Court.

(2) An appeal under subsection (1) must be instituted within 28 days after the day the decision complained of was made.

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 Firearms Council Incorporated;

(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 Firearms Council Incorporated.

(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: 400 penalty units or imprisonment for 2 years or, if the offence relates to a category A firearm or category B firearm, 200 penalty units or imprisonment for 12 months.

(1A) Subsection (1) does not apply if:

(a) the person possesses or uses a paintball firearm for playing paintball at an approved paintball range; and

(b) the person is entitled to play paintball.

(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.

(2A) Without limiting subsection (1), the holder of a category H sports shooter's licence commits an offence against this section if:

(a) the holder uses a category H firearm:

(i) that is not a prescribed firearm; or

(ii) elsewhere than at an approved firearms club; and

(b) the use is not authorised under another licence or a permit.

(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, and under the supervision 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; or

(ab) who has been found guilty of an offence of violence, may not possess or use a firearm for 5 years after the finding of guilt; or

(ac) who is the subject of an order, made in the Territory or elsewhere, to keep the peace, may not possess or use a firearm while the order is in force; or

(b) in respect of whom an interim domestic violence order is in force may not possess or use a firearm while the interim restraining order remains in force; or

(ba) in respect of whom a final domestic violence order is or was in force may not possess or use a firearm:

(i) while the final domestic violence order is in force; or

(ii) for a further period of 5 years from the date the order expires or ceases to have effect; or

(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 of the type or category for which the licence was refused or revoked during any period for which 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: 400 penalty units or imprisonment for 2 years.

58A Obligation of supervisor

(1) The holder of a firearms licence who is supervising a person for the purposes of section 58(3) must ensure the firearm is:

(a) of a category that the holder is authorised to use;

(b) used in accordance with any conditions of the licence; and

(c) used in a manner that will not create a danger to any person or damage to property.

Penalty: 100 penalty units or imprisonment for 12 months.

(2) A firearms club must not permit a person who is not the holder of a category H sports shooter's licence to use a category H firearm under supervision at the club premises unless:

(a) the person is undergoing an approved firearms safety training course conducted by the holder of a firearms instructor licence;

(b) the person is the holder of a permit under section 31(1)(fb); or

(c) the person is a person to whom a permit under section 31(1)(fc) relates.

Penalty: 500 penalty units.

58B Obligation of firearms club

If the Commissioner gives notice to a firearms club that a member of the club is subject to suspension or revocation of the member's shooting licence or a permit under section 31(1)(fb), the club must not permit the member to use a firearm at the club premises during the period specified in the notice.

Penalty: 500 penalty units.

Division 2 Offences relating to registration

59 Firearms to be registered

(1) 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.

(2) Subsection (1) does not apply if:

(a) the person possesses or uses a paintball firearm for playing paintball at an approved paintball range; and

(b) the person is entitled to play paintball.

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.

Division 2A Certain offences outside Territory

60A Conspiring to commit and aiding etc. commission of offence outside Territory

(1) A person must not, in the Territory, conspire with another person or persons to commit, in a place outside the Territory, an offence (***the principal offence***) that is punishable under the provisions of a law in force in that place that corresponds to a provision of this Act.

(2) A person must not, in the Territory, aid, abet, counsel, procure, solicit or incite the commission, in a place outside the Territory, of an offence (***the principal offence***) that is punishable under the provisions of a law in force in that place that corresponds to a provision of this Act.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable to the same penalty as if the principal offence was committed in the Territory.

Division 2B Offences relating to paintball

60B Definition

In this Division:

prohibited person means a person who:

(a) is prohibited from applying for any licence under this Act or a law of a State or another Territory; or

(b) is not entitled to be granted any licence under this Act, for a reason other than that the person is not a resident, or about to become a resident, of the Territory.

60C Prohibition of carrying on business of paintball operator without authority

A person must not carry on business as a paintball operator without a paintball operator licence or permit.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

60D Information about close associates, representatives and employees

(1) If a change occurs in the close associates of the holder of a paintball operator licence or permit, the holder must give the Commissioner, within 7 days after becoming aware of the change, written notice in the approved form.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(2) The Commissioner may, by written notice, require the holder of a paintball operator licence or permit to give the Commissioner, within a specified time, a declaration containing specified information about:

(a) the representative for the licence or permit; or

(b) the close associates of the holder; or

(c) the operator's paintball operator employees.

(3) The person must comply with the notice unless the person has a reasonable excuse.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(4) If a person ceases employment as a paintball operator employee with the holder of a paintball operator licence or permit, the holder must, within 7 days after the person ceases employment, give the Commissioner written notice in the approved form.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

60E Records and returns

(1) The holder of a paintball operator licence or permit must:

(a) keep the paintball player declaration made by each person who plays paintball at the operator's approved paintball range for 2 years after it is made; and

(b) keep other records in accordance with the conditions of the licence or permit.

Maximum penalty: 20 penalty units.

(2) A police officer or approved person may ask the holder of a paintball operator licence or permit, the representative for the licence or permit or an employee of the holder to produce the paintball player declarations or other records kept by the operator.

(3) The person must comply with the request unless the person has a reasonable excuse.

Maximum penalty: 20 penalty units.

(4) On production of a declaration or record, the police officer or approved person may:

(a) examine it; and

(b) make copies of, or take extracts from, it.

(5) The holder of a paintball operator licence or permit must give the Commissioner, within 3 months after the end of each financial year, an annual report in the approved form.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

60F Prohibition on employing certain persons

(1) This section applies if the holder of a paintball operator licence or permit does any of the following things:

(a) employs a prohibited person in the business authorised by the licence or permit;

(b) allows a prohibited person to act as an agent for, or participate in the management of, the business.

(2) The holder and the prohibited person are each guilty of an offence.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(3) It is a defence to a prosecution of the holder of the licence or permit for an offence against subsection (2) if the holder proves the holder did not know, and could not reasonably have been expected to know, the person was a prohibited person.

60G Production of firearms

(1) A police officer or approved person may ask the holder of a paintball operator licence or permit, the representative for the licence or permit or an employee of the holder to produce a paintball firearm in the holder's possession.

(2) The person must comply with the request unless the person has a reasonable excuse.

Maximum penalty: 50 penalty units.

(3) On production of a firearm, the police officer or approved person may inspect and test it.

60H Possession and use of paintball firearm only at approved paintball range

The holder of a paintball operator licence or permit must not allow a person to possess or use a paintball firearm registered in the holder's name except at the holder's approved paintball range.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

60J Paintball player must be adult

The holder of a paintball operator licence or permit must not allow a person the holder knows to be under the age of 18 to possess or use a paintball firearm to play paintball at the holder's approved paintball range.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

60K Paintball player must sign declaration and give identification

(1) The holder of a paintball operator licence or permit must not allow a person to possess or use a paintball firearm to play paintball at the holder's approved paintball range unless the person, before starting to play:

(a) makes a declaration in the approved form (a ***paintball player declaration***); and

(b) gives the declaration and photographic identification to a paintball employee working at the range.

Maximum penalty: 50 penalty units.

(2) Before allowing the person to play paintball, the paintball employee must:

(a) inspect the person's photographic identification; and

(b) endorse on the person's paintball player declaration that the employee is satisfied the person appears to be the person shown in the identification.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

60L Certain persons prohibited from playing paintball

(1) The holder of a paintball operator licence or permit must not allow a prohibited person to possess or use a paintball firearm to play paintball at the holder's approved paintball range.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(2) It is a defence to a prosecution for an offence against subsection (1) if the holder proves the holder did not know, and could not reasonably have been expected to know, the person was a prohibited person.

(3) A prohibited person must not play paintball.

Maximum penalty: 50 penalty units.

Division 3 General offences

61 Manufacture of firearms

(1) A person must not manufacture a firearm unless the person is authorised to manufacture the firearm by a licence or permit.

Penalty: 2 000 penalty units or imprisonment for 10 years or, if the offence relates to a category A firearm or category B firearm, 1 000 penalty units or imprisonment for 5 years.

(2) A person must not manufacture a prohibited firearm or pistol unless the person is authorised to manufacture the prohibited firearm or pistol by a licence or permit.

Penalty: 3 000 penalty units or imprisonment for 15 years.

(3) Without limiting subsection (1) or (2), those subsections apply to a person regardless of whether the firearm concerned was manufactured in the course of carrying on a business.

(4) In this section:

manufacture, of a firearm, includes assembly of a firearm from firearm parts.

61A Repair or modification of firearms

(1) A person must not repair or modify a firearm unless the person is authorised to repair or modify the firearm by a licence or permit.

Penalty: 2 000 penalty units or imprisonment for 10 years or, if the offence relates to a category A firearm or category B firearm, 1 000 penalty units or imprisonment for 5 years.

(2) A person must not repair or modify a prohibited firearm or pistol unless the person is authorised to repair or modify the prohibited firearm or pistol by a licence or permit.

Penalty: 3 000 penalty units or imprisonment for 15 years.

(3) Without limiting subsection (1) or (2), those subsections apply to a person regardless of whether the firearm concerned was repaired or modified in the course of carrying on a business.

(4) In this section:

repair or modification, of a firearm, does not include work performed by a person on a firearm registered in the name of the person if the work is not of a nature likely to affect the safe operation of the firearm.

62 Purchase of firearms

(1) A person must not purchase a firearm unless the person is authorised to:

(a) possess the firearm under a firearms dealer licence; or

(b) purchase the firearm by a permit or corresponding permit.

Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years or, if the offence relates to a category A firearm or category B firearm, 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 2 000 penalty units or, if the offence relates to a category A firearm or category B firearm, 1 000 penalty units.

(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; or

(b) the purchase:

(i) is arranged through the holder of a firearms dealer licence; or

(ii) if the holder of a firearms dealer licence is not reasonably available – is witnessed by a member of the Police Force.

Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years or, if the offence relates to a category A firearm or category B firearm, 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 2 000 penalty units or, if the offence relates to a category A firearm or category B firearm, 1 000 penalty units.

63 Sale of firearms

(1) A person, other than the holder of a firearms dealer licence, must not sell a firearm to another person unless:

(a) the other person is the holder of a firearms dealer licence; or

(b) the sale:

(i) is arranged through the holder of a firearms dealer licence; or

(ii) if the holder of a firearms dealer licence is not reasonably available – is witnessed by a member of the Police Force.

Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years or, if the offence relates to a category A firearm or category B firearm, 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 2 000 penalty units or, if the offence relates to a category A firearm or category B firearm, 1 000 penalty units.

(2) A person must not sell a firearm to another person unless the other person is authorised to:

(a) possess the firearm under a firearms dealer licence; or

(b) purchase the firearm by a permit or corresponding permit.

Penalty: If the offender is a natural person – 400 penalty units or imprisonment for 2 years or, if the offence relates to a category A firearm or category B firearm, 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 2 000 penalty units or, if the offence relates to a category A firearm or category B firearm, 1 000 penalty units.

(3) A person must not sell a firearm to another person (***the purchaser***) unless the person sights:

(a) if the purchaser is the holder of a firearms dealer licence – that licence;

(b) if the purchaser is the holder of a firearms licence – that licence and the purchaser's permit to purchase the firearm; or

(c) if the purchaser is not the holder of a firearms dealer licence or a firearms licence – the purchaser's permit to purchase the firearm.

Penalty: 400 penalty units or imprisonment for 2 years or, if the offence relates to a category A firearm or category B firearm, 200 penalty units or imprisonment for 12 months.

(4) A person who sells a firearm to another person who is not the holder of a firearms dealer licence must complete the particulars of the sale on the permit authorising the purchase of the firearm and return the permit to the Commissioner not later than 7 days after the sale.

Penalty: If the offender is a natural person – 50 penalty units or imprisonment for 12 months or, if the offence relates to a category A firearm or category B firearm, 20 penalty units or imprisonment for 6 months.

If the offender is a body corporate – 250 penalty units or, if the offence relates to a category A firearm or category B firearm, 100 penalty units.

63A Trafficking in firearms

(1) A person who contravenes section 63 (other than subsection (3) or (4)) on 3 or more separate occasions during any period of 30 consecutive days is guilty of an offence of trafficking.

Penalty: If the offender is a natural person – imprisonment for 10 years or, if the offence relates to a category A firearm or category B firearm, imprisonment for 5 years.

If the offender is a body corporate – 2 500 penalty units or, if the offence relates to a category A firearm or category B firearm, 1 250 penalty units.

(2) A person who contravenes section 63 (other than subsection (3) or (4)) on 3 or more separate occasions where a firearm involved in any of the offences is a prohibited firearm is guilty of an offence of aggravated trafficking.

Penalty: If the offender is a natural person – imprisonment for 15 years.

If the offender is a body corporate – 3 750 penalty units.

(3) A person who contravenes section 63 (other than subsection (3) or (4)) on 3 or more separate occasions where a firearm involved in each of the offences is a prohibited firearm is guilty of an offence of trafficking in prohibited firearms.

Penalty: If the offender is a natural person – imprisonment for 20 years.

If the offender is a body corporate – 5 000 penalty units.

(4) If a person is found guilty of an offence under subsection (1), (2) or (3), he or she is liable to the punishment under that subsection but not to separate or additional punishment for any of the offences that constituted the trafficking offence.

(5) If a person is found not guilty of a trafficking offence under subsection (1), (2) or (3), he or she remains liable to punishment for any of the constituent offences that were alleged to have comprised the trafficking offence and can be found guilty of any of those constituent offences as an alternative verdict to the trafficking offence, even if the person was not charged with any of the constituent offences.

63B Advertising firearm for sale

(1) A person 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.

(2) Subsection (1) does not apply to the holder of a firearms dealer licence who is authorised under the licence to possess the firearm that is advertised for sale.

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 armourer 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 firearms

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.

68A Sale and purchase of ammunition

(1) A person must not, in trade or commerce, sell ammunition for a firearm unless the person is the holder of a firearms dealer licence or is authorised by a permit to sell the ammunition.

Penalty: If the offender is a natural person – 10 penalty units or imprisonment for 3 months.

If the offender is a body corporate – 50 penalty units.

(2) A person must not, in trade or commerce, 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 who sells the ammunition sights the licence, permit or authorisation.

Penalty: If the offender is a natural person – 10 penalty units or imprisonment for 3 months.

If the offender is a body corporate – 50 penalty units.

(3) A person who, in trade or commerce, sells ammunition for a firearm must advise the Commissioner without delay of any loss or theft of ammunition held by the person.

Penalty: If the offender is a natural person – 10 penalty units or imprisonment for 3 months.

If the offender is a body corporate – 50 penalty units.

69 Possession of ammunition

(1) 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.

(2) Subsection (1) does not apply if:

(a) the person possesses paintball pellets for playing paintball at an approved paintball range; and

(b) the person is entitled to play paintball.

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.

73 Hiring or leasing 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 alter an identifying serial number on a firearm without approval.

Penalty: 1 000 penalty units or imprisonment for 5 years.

(2) A person must not knowingly possess a firearm the serial number of which has been altered in contravention of subsection (1).

Penalty: 1 000 penalty units or imprisonment for 5 years.

(3) A person must not deface or remove an identifying serial number on a firearm without approval.

Penalty: 1 000 penalty units or imprisonment for 5 years.

(4) A person must not possess a firearm the serial number of which has been defaced or removed in contravention of subsection (3).

Penalty: 1 000 penalty units or imprisonment for 5 years.

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 armourer licence or firearms armourer permit 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, antique 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) If 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:

local government area means an area for which a council is constituted under 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 or local government area.

Penalty: 200 penalty units or imprisonment for 12 months or, if the offence relates to a category A firearm or category B firearm, 100 penalty units or imprisonment for 6 months.

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

Penalty: 400 penalty units or imprisonment for 2 years or, if the offence relates to a category A firearm or category B firearm, 200 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 or misleading statements

(1) A person must not make a statement in an official document the person knows to be false or misleading in a material particular.

(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.

(4) In this section:

official document means an application, notice, return, report, record, register or other document made, given, lodged or kept under this Act.

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: 10 penalty units 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: 10 penalty units 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 Notice of change of representative of certain licence and permit holders

(1) This section applies if a person ceases to be the representative for any of the following:

(a) a firearms corporate licence;

(b) a firearms museum licence;

(c) a firearms club licence;

(d) a paintball operator licence or permit.

(1A) The holder of the licence or permit must, within 14 days after the person ceases to be the representative, give the Commissioner written notice in the approved form.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(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 (other than paintball 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 1A Revocation, disqualification, forfeiture

93A Revocation and disqualification

(1) If a court finds a person guilty of an offence against this Act or the *Weapons Control Act* or involving a firearm, the court may:

(a) revoke the person's licence or permit and disqualify the person from holding a specified licence or permit for the period specified by the court; and

(b) order that the person is not to apply for a licence or permit or to register a firearm for the period of disqualification.

(2) The period for which a court may disqualify the person is in addition to any period of automatic disqualification under this Act.

93B Disqualification if aggravating circumstance

(1) If a court finds a person guilty of an offence referred to in section 93A and the offence involves a circumstance of aggravation:

(a) the person is liable to twice the penalty otherwise provided for the offence; and

(b) the court must disqualify the person from holding any licence or permit for:

(i) if the court imposes a pecuniary penalty for the offence – a minimum period of 4 years; or

(ii) if the court imposes a custodial sentence for the offence – a minimum period of 10 years.

(2) In this section:

circumstance of aggravation, for an offence, means the offender was, at the time of committing the offence, subject to:

(a) a refusal by the Commissioner to grant a licence or permit for a period of time;

(b) a suspension or revocation of a licence, permit or certificate of registration under this Act; or

(c) a period of disqualification under this Act.

93C No grant of licence or permit

The Commissioner cannot grant a licence or permit to a person disqualified under section 93A or 93B during the period of disqualification.

93D Court may order forfeiture

(1) If the court is satisfied that the person in whose name the firearm to which the offence referred to in section 93A relates is registered:

(a) is implicated in the offence – the court may order that the firearm (and any ammunition in the possession of the person) is forfeited to the Territory; or

(b) is not implicated in the offence – the court may not order the firearm to be forfeited but may order that it be returned to that person.

(2) Subsection (1) applies to a firearm in the possession of a person referred to in that subsection despite that the firearm is not registered in that person's name.

93E No effect on general power

A decision or action of the court under section 93A, 93B or 93D does not affect any power under this Act to revoke or suspend a licence, permit or certificate of registration.

Division 2 General

93F No review of certain decisions by Commissioner

Despite any other Act or law of the Territory (including the common law):

(a) no person or body is entitled to investigate, inquire into, review or otherwise call into question a decision of the Commissioner under section 10(8A), 33(3A) or 40A(1); and

(b) no proceedings for an appeal, an injunction, a declaration or an order for prohibition or mandamus are to be brought in relation to a decision of the Commissioner referred to in paragraph (a).

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; and

(c) when requested by a member of the Police Force, produce the licence or permit for inspection by the member.

(2) When requested by a member of the Police Force, a person in possession of a category A firearm, category B firearm, category C firearm (other than paintball firearm), category D firearm or category H 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.

Penalty: $2,000 or imprisonment for 6 months.

96A Police may require production of firearm

(1) A member of the Police Force may, by notice in writing, require the registered owner of a firearm to produce the firearm at a time and place specified in the notice for the purpose of inspection of the firearm to determine whether or not the firearm complies with, and is held in compliance with, this Act.

(2) If a person fails to comply with the requirement of a notice under subsection (1):

(a) the person commits an offence punishable, on being found guilty, by:

(i) if the offender is a natural person – a fine not exceeding 100 penalty units or a term of imprisonment not exceeding 12 months; or

(ii) if the offender is a body corporate – a fine not exceeding 500 penalty units; and

(b) all firearms licences held by the person, and all firearm registrations in the name of the person, are automatically suspended from the day specified in the notice to produce the firearm until 28 days after:

(i) the day on which the firearm is produced; or

(ii) the person provides information to the satisfaction of the Commissioner as to why the firearm was not produced as required.

(3) It is a defence to a prosecution for an offence against subsection (2)(a) if the defendant proves that he or she did not know (for good reason) the whereabouts of the firearm or was otherwise (for good reason) unable to comply with the requirement to produce the firearm.

(4) The Commissioner may, if he or she thinks the circumstances warrant it, reduce the period of suspension referred to in subsection (2)(b).

(5) If the person has not, within 28 days after the day specified in the notice to produce the firearm:

(a) complied with the requirement; or

(b) satisfied the Commissioner as to why the requirement has not been complied with,

all firearms licences held by the person and all firearm registrations in the name of the person are revoked by force of this section.

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.

98A Seizure etc. of firearm includes ammunition

If a firearm is forfeited, required to be surrendered or delivered up to the Commissioner or liable to seizure under this Act, any ammunition relating to the firearm is included in the forfeiture, surrender, delivering up or liability to seizure.

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 final domestic violence 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 93D, 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.

99A Storage of certain firearms

(1) If a firearm:

(a) is seized, surrendered or delivered up under this Act and cannot be returned to the owner of the firearm because the owner's licence or permit, or the certificate of registration of the firearm, is suspended or revoked; or

(b) is lodged with the Commissioner under section 94 and cannot be returned to the owner of the firearm because the Commissioner has refused to grant a permit or certificate of registration,

the Commissioner may, by notice in writing, direct the owner of the firearm to sell or otherwise dispose of the firearm.

(2) If:

(a) a firearm has come into the lawful possession of a member of the Police Force;

(b) no legal requirement exists for the retention of the firearm; and

(c) reasonable attempts have been made to return the firearm to its registered owner,

the Commissioner may, by notice in writing, direct the owner to take possession of the firearm.

(3) If the owner of a firearm does not comply with a direction under subsection (1) or (2) within 28 days after the direction is given or any further time that the Commissioner specifies in the notice, the Commissioner may dispose of the firearm in accordance with section 166 of the *Police Administration Act* as if the firearm was unclaimed property.

(4) The Regulations may prescribe fees that are payable in relation to the storage of a firearm by the Commissioner prior to the owner taking possession of the firearm.

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 health practitioner or a professional counsellor 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) If a person, 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.

(3) A firearms club or an historical firearms collector's society must provide a report in writing to the Commissioner without delay of any concern held by the club or society that a member is not a fit and proper person to have a firearm in his or her possession or control.

(4) A firearms club or an historical firearms collector's society must, within 2 days after expelling a member from the club or society, provide a report in writing to the Commissioner of the expulsion and the reasons for it.

Penalty: 500 penalty units.

(5) The provision of any information in good faith under or in purported compliance with subsection (3) or (4) does not give rise to any civil or criminal liability.

(6) In this section:

health practitioner means:

(a) a person registered under the Health Practitioner Regulation National Law to practise a health profession (other than as a student); or

(b) a health practitioner who has a right of practice under the *Health Practitioners Act* other than a registered radiographer under that Act.

102 Disclosure of information by Commissioner in certain circumstances

(1) The Commissioner may disclose to a firearms club or an historical firearms collector's society any information the Commissioner holds about an applicant for membership of the club or society that relates to the following:

(a) the firearms held by the applicant;

(b) other firearms clubs or historical firearms collector's societies of which the applicant is a member;

(c) any other firearms clubs or historical firearms collector's societies of which the applicant has been refused membership, or from which the applicant has been expelled, in the preceding 5 years;

(d) any licence or permit, or registration of a firearm, pertaining to the applicant that has been suspended or revoked in the preceding 5 years;

(e) any application by the applicant for a licence, permit or registration of a firearm that has been refused by the Commissioner in the preceding 5 years.

(2) If the Commissioner suspends or revokes a licence, permit or registration of a firearm in relation to a person, the Commissioner must inform any firearms club or historical firearms collector's society of which the person is a member of the suspension or revocation.

(2A) If the Commissioner or a court suspends or revokes a firearms employee licence in relation to a person, the Commissioner must inform the holder of the firearms corporate licence to which the employee licence relates of the suspension or revocation.

(2B) If the Commissioner or a court suspends or revokes a firearms instructor licence or a permit in relation to a person and the Commissioner is aware of an employer or other person whose operations may be affected by the suspension or revocation, the Commissioner must inform the employer or other person of the suspension or revocation.

(3) No civil or criminal liability arises from the provision of information under this section.

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.

104A Evidence by certificate

(1) In any proceedings in a court for an offence against this Act, a certificate purporting to be signed by the Commissioner is prima facie evidence of the matters stated in the certificate and the facts on which they are based.

(2) In subsection (1), a reference to proceedings in a court includes a reference to a preliminary examination under Part V of the *Justices Act*.

105 Evidentiary – meaning of possession of a firearm etc.

(1) Without limiting the meaning of ***possession***, for the purposes of any proceedings under this Act, a firearm, ammunition or a silencer is taken to be in the possession of a person if it is in or on any premises owned, leased or occupied by, or in the care, control or management of, the person unless the court is satisfied that:

(a) the firearm, ammunition or silencer was placed in or on, or brought into or on to, the premises by or on behalf of a person who was lawfully authorised by or under this Act to possess the firearm, ammunition or silencer;

(b) the person did not know and could not reasonably be expected to have known that the firearm, ammunition or silencer was in or on the premises; or

(c) on the evidence before it, the person was not in possession of the firearm, ammunition or silencer.

(2) In this section:

firearm includes a prohibited firearm.

premises includes a place, vehicle, vessel or aircraft.

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.

106A Conduct of representatives

(1) If, in a proceeding for an offence against this Act, it is necessary to establish a person's state of mind in relation to particular conduct, it is sufficient to show:

(a) the conduct was engaged in by a representative of the person, within the scope of the representative's actual or apparent authority; and

(b) the representative had that state of mind.

(2) For a proceeding for an offence against this Act, conduct engaged in on behalf of a person by a representative within the scope of the representative's actual or apparent authority is taken to have been engaged in also by the person.

(3) However, an individual is not liable to be punished by imprisonment for an offence against this Act if the offence arises because of the person's vicarious liability for the representative's conduct.

(4) In this section:

engaging in conduct includes failing or refusing to engage in conduct.

representative means:

(a) of a body corporate – an executive officer, employee or agent of the body corporate; or

(b) of an individual – an employee or agent of the person.

state of mind of a person includes:

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person's reasons for the intention, opinion, belief or purpose.

107 Liability of executive officers of bodies corporate

(1) If a body corporate commits an offence against this Act (the ***principal offence***), each of the executive officers of the body corporate commits an offence (the ***secondary offence***) and is liable to the penalty applicable to an individual who commits the principal offence.

(2) However, it is a defence for an executive officer to establish:

(a) the officer did not know, and could not reasonably have been expected to know, the principal offence was to be or was being committed; or

(b) the officer exercised due diligence to prevent the commission of the principal offence.

(3) The executive officer may be found guilty of the secondary offence even though the body corporate has not been charged with, or found guilty of, the principal offence.

(4) This section does not affect the liability of the body corporate for the principal offence.

(5) In this section:

executive officer, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

107A Offences by representatives of licence and permit holders

(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 or permit 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 60J, 61, 74(2), 89(1) and 95, is a regulatory offence.

110 Certain category H firearms to be produced to Commissioner

(1) A person who, immediately before 1 July 2003, was the holder of a shooter's licence authorising the possession and use of a category H firearm that was granted for (or partially for) the genuine reason of sports shooting must, on or before 31 December 2003, present to the Commissioner or a member of the Police Force every category H firearm in the person's possession under the licence.

(2) The Commissioner may specify a time and place at which a category H firearm referred to in subsection (1) is to be produced.

(3) If a person fails to produce a category H firearm referred to in subsection (1) at the time and place specified under subsection (2), a member of the Police Force may give the registered owner of the firearm a notice under section 96A(1) and section 96A applies accordingly.

(4) The registration of a category H firearm referred to in subsection (1) is cancelled by force of this section:

(a) at the time the firearm is produced to the Commissioner or a member of the Police Force; or

(b) on 31 December 2003,

whichever is the earlier.

(5) If a firearm produced under this section is not of a type that is prescribed for this section:

(a) the registered owner of the firearm is to be paid compensation at the rate specified in the National List of Compensation Values for Handgun Buyback 2003 as published from time to time by the Commonwealth; and

(b) the firearm is forfeit to the Territory after compensation is paid.

(6) If a firearm produced under this section is of a type that is prescribed for this section, the Commissioner must (subject to section 110A) register the firearm again without charge.

(7) If the application of this section constitutes an acquisition of property for which the compensation provided under subsection (5) does not provide just terms, the registered owner of the firearm is entitled to receive just compensation for the acquisition and a court may determine the amount of the compensation or make an order that, in its opinion, is necessary to ensure that the acquisition is on just terms.

110A Voluntary surrender of category H firearms

(1) Despite that a category H firearm presented under section 110 is of a type that is prescribed for that section and can be re-registered, the person in whose name the firearm was registered may voluntarily surrender the firearm to the Territory and, subject to subsection (2), receive compensation at the rate referred to in section 110(5)(a).

(2) Compensation is payable under subsection (1) only if the person surrenders every category H firearm held under the person's licence.

(3) The Commissioner must revoke the licence to possess and use category H firearms of a person who voluntarily surrenders a Category H firearm under this section, and the person is not eligible to apply for the grant of a category H sports shooters licence for 5 years from the date of revocation.

111 Regulations

(1) The Administrator may make regulations under 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.

(3) The Regulations may provide for:

(a) the payment of a prescribed amount, not exceeding 200 penalty units, instead of a penalty that may otherwise be imposed for an offence against this Act; and

(b) the service of an infringement notice on a person alleged to have committed an offence referred to in paragraph (a) and the particulars to be included in that notice.

113 Transitional

(1) Subsection (2) applies to a person who, immediately before 1 July 2003, was the holder of a shooter's licence authorising the possession and use of a category H firearm that was granted for (or partially for) the genuine reason of sports shooting.

(2) Despite section 15A(1), the person is taken to lawfully hold any category H firearm the person was authorised to hold under the shooter's licence until the registration of the firearm is cancelled under section 110(4).

114 Review of Act

(1) The Commissioner must, within 3 years after the commencement of the *Firearms Amendment (Paintball) Act 2007*:

(a) review the regulation of the playing of paintball; and

(b) give a report of the review to the Minister.

(2) The Minister must, within 7 sitting days after receiving the report, table a copy of it in the Legislative Assembly.

Schedule 1 Prohibited firearms

section 3

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, in any way:

(a) an irritant matter in liquid, powder, gas or chemical form; or

(b) a pyrotechnic flare or dye, other than a distress signal device.

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.

Schedule 2 Category A firearms

section 3

Air rifles

Rimfire rifles, other than self-loading

Shotguns, other than pump action or self-loading

Shotgun and rimfire rifle combinations

Schedule 3 Category B firearms

section 3

Muzzle-loading firearms

Centre-fire rifles, other than self-loading

Shotgun and centre-fire rifle combinations

Schedule 4 Category C firearms

section 3

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

Paintball firearms

Schedule 5 Category D firearms

section 3

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 Category H firearms

section 3

Pistols and air pistols

Schedule 7 Procedure of Tribunal

section 54B

1 Formality and technicality to be avoided

A proceeding must be conducted with as little formality and technicality, and with as much expedition, as a proper consideration of the matter before the Tribunal permits.

2 Tribunal not bound by rules of evidence

The Tribunal is not bound by the rules of evidence but may inform itself on any matter in the manner that it thinks fit.

3 Appearance and representation of parties

(1) The Registrar must give the parties to proceedings before the Tribunal not less than 14 days notice in writing of the time, date and place of the proceedings.

(2) A party is entitled to appear before the Tribunal personally or to be represented by a legal practitioner or other representative.

(3) A legal practitioner or other representative appearing before the Tribunal has the same liabilities, protection and immunity as a legal practitioner has in appearing for a party in proceedings before the Supreme Court.

(4) A party must be allowed a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Tribunal.

(5) The Tribunal may make a determination in proceedings in the absence of a party to the proceedings if satisfied that the party was given reasonable opportunity to appear but failed to do so.

4 Summoning of witnesses

(1) The Tribunal may, by written notice signed by the Chairperson or a member, summon a person to attend before it, at a time and place specified in the summons, to give evidence and to produce such documents in the person's custody or control as are specified in the summons.

(2) A summons under subclause (1) may be served on the person to whom it is addressed:

(a) personally; or

(b) by delivering it to a person who has apparently attained the age of 16 years and is apparently residing or employed at the premises at which the person to be served resides or carries on business.

(3) A person served with a summons to attend before the Tribunal must not, without reasonable excuse, fail to attend the Tribunal or fail to produce any documents in the person's custody or control that are specified in the summons.

Penalty: If the offender is a natural person – 20 penalty units and 2 penalty units for each day during which the offence continues.

If the offender is a body corporate – 100 penalty units and 10 penalty units for each day during which the offence continues.

(4) Unless the Tribunal otherwise determines, a witness is entitled to receive witness fees as if he or she was a witness in civil proceedings in the Local Court.

5 Giving of evidence

(1) The Tribunal may:

(a) require a person to make an oath or affirmation to answer truthfully all questions put by a member of the Tribunal, or a person appearing before the Tribunal, relevant to the determination of a matter before it; or

(b) require a person giving evidence before the Tribunal to answer a relevant question put by a member of the Tribunal or a person appearing before it (as the case may be).

(2) A person who appears as a witness before the Tribunal has the same obligations and protection as a witness in proceedings before the Supreme Court.

ENDNOTES

1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION

***Firearms Act 1997* (Act No. 2, 1997)**

Assent date	11 March 1997
Commenced	13 March 1997 (*Gaz* 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 (*Gaz* S63, 22 December 2000, p 1)

Amending Legislation

***Statute Law Revision Act (No. 2) 2001* (Act No. 62, 2001)**

Assent date	11 December 2001
Commenced	s 8: 1 January 2001 (s 2(2), s 2 *Firearms Amendment Act (No. 2) 2000* (Act No. 64, 2000) and *Gaz* 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 (15 July 2001 (s 2, s 2 *Corporations Act 2001* (Cth Act No. 50, 2001) and Cth *Gaz* S285, 13 July 2001)

***Firearms Amendment Act 2003* (Act No. 25, 2003)**

Assent date	26 June 2003
Commenced	1 July 2003 (s 2)

Firearms Amendment Act 2004 **(Act No. 19, 2004)**

Assent date	15 March 2004
Commenced	s 4: nc (rep by Act No 4, 2007); rem: 28 April 2004 (*Gaz* G17, 28 April 2004, p 2)

Amending Legislation

Statute Law Revision Act 2007 **(Act No. 4, 2007)**

Assent date	8 March 2007
Commenced	8 March 2007

Domestic Violence Amendment (Police Orders) Act 2005 **(Act No. 38, 2005)**

Assent date	22 November 2005
Commenced	22 February 2006 (*Gaz* G8, 22 February 2006, p 5)

Statute Law Revision Act 2005 **(Act No. 44, 2005)**

Assent date	14 December 2005
Commenced	14 December 2005

Statute Law Revision Act 2007 **(Act No. 4, 2007)**

Assent date	8 March 2007
Commenced	8 March 2007

Firearms Amendment (Paintball) Act 2007 **(Act No. 17, 2007)**

Assent date	18 September 2007
Commenced	29 November 2007 (*Gaz* G48, 28 November 2007, p 4)

Domestic and Family Violence Act 2007 **(Act No. 34, 2007)**

Assent date	12 December 2007
Commenced	1 July 2008 (*Gaz* G25, 25 June 2008, p 4)

Statute Law Revision Act 2008 **(Act No. 6, 2008)**

Assent date	11 March 2008
Commenced	11 March 2008

Local Government (Consequential Amendments) Act 2008 **(Act No. 28, 2008)**

Assent date	14 November 2008
Commenced	1 July 2008 (s 2)

Statute Law Revision Act 2009 **(Act No. 25, 2009)**

Assent date	1 September 2009
Commenced	16 September 2009 (*Gaz* G37, 16 September 2009, p 3)

Health Practitioner (National Uniform Legislation) Implementation Act 2010 **(Act No. 18, 2010)**

Assent date	20 May 2010
Commenced	1 July 2010 (s 2)

3 LIST OF AMENDMENTS

s 3	amd No. 39, 2000, s 3; No. 64, 2000, s 4; No. 25, 2003, s 4; No. 38, 2005, s 14; No. 4, 2007, s 2; No. 17, 2007, s 4; No. 34, 2007, s 138
s 4	amd No. 64, 2000, s 5; No. 25, 2003, s 5; No. 17, 2007, s 28
s 5	amd No. 25, 2003, s 6
s 7	amd No. 19, 2004, s 5
s 9	amd No. 64, 2000, s 6; No. 17, 2007, s 5

s 10	amd No. 64, 2000, s 7; No. 25, 2003, s 7; No. 17, 2007, s 6; No. 34, 2007, s 139
ss 10AA – 10AC	ins No. 25, 2003, s 8
s 10AD	ins No. 17, 2007, s 7
s 10A	ins No. 64, 2000, s 8 amd No. 17, 2007, s 28
s 11	amd No. 64, 2000, s 9; No. 25, 2003, s 9; No. 17, 2007, s 28
s 12	amd No. 17, 2007, s 28
s 13	amd No. 25, 2003, s 10
s 14	amd No. 64, 2000, s 10; No. 25, 2003, s 11; No. 19, 2004, s 6; No. 17, 2007, s 8
pt 3 div 3A hdg	ins No. 25, 2003, s 12
s 15A	ins No. 25, 2003, s 12
s 15B	ins No. 25, 2003, s 12 amd No. 19, 2004, s 33
s 15C	ins No. 25, 2003, s 12
s 16A	ins No. 25, 2003, s 13 amd No. 17, 2007, s 28
s 17	amd No. 64, 2000, s 37
s 18	amd No. 64, 2000, s 37; No. 25, 2003, s 14
s 19	amd No. 64, 2000, s 37
s 20	amd No. 64, 2000, s 37 sub No. 25, 2003, s 15 amd No. 34, 2007, s 139
s 22	amd No. 64, 2000, ss 11 and 37; No. 25, 2003, s 16
s 22A	ins No. 25, 2003, s 17
s 23	amd No. 64, 2000, s 37; No. 25, 2003, s 42
s 24	amd No. 64, 2000, s 37; No. 25, 2003, s 18; No. 19, 2004, s 7; No. 25, 2009, s 6
s 25	amd No. 64, 2000, s 37
pt 3 div 6A hdg	ins No. 25, 2003, s 19
s 25A	ins No. 25, 2003, s 19
s 26	amd No. 64, 2000, ss 12 and 37; No. 19 , 2004, s 8
pt 3 div 12 hdg	ins No. 64, 2000, s 13
s 30A	ins No. 64, 2000, s 13 amd No. 25, 2003, s 20
s 30B	ins No. 64, 2000, s 13 amd No. 25, 2003, s 21
pt 3 div 13 hdg	ins No. 64, 2000, s 13
s 30C	ins No. 64, 2000, s 13
pt 3 div 14 hdg	ins No. 17, 2007, s 9
pt 3 div 14 sdiv 1 hdg	ins No. 17, 2007, s 9
s 30D	ins No. 17, 2007, s 9
pt 3 div 14 sdiv 2 hdg	ins No. 17, 2007, s 9
ss 30E – 30G	ins No. 17, 2007, s 9
s 31	amd No. 64, 2000, s 14; No. 25, 2003, s 22; No. 19, 2004, s 9; No. 17, 2007, s 10
s 32	amd No. 17, 2007, s 11

s 33	amd No. 39, 2000, s 4; No. 64, 2000, s 15; No. 25, 2003, s 23; No. 17, 2007, s 12; No. 34, 2007, s 139
s 33A	ins No. 39, 2000, s 5
s 34	amd No. 64, 2000, s 16
s 35	amd No. 64, 2000, s 17
ss 35A – 35C	ins No. 25, 2003, s 24
s 35D	ins No. 17, 2007, s 13
s 36	amd No. 25, 2003, s 42; No. 19, 2004, s 33
s 39	amd No. 64, 2000, s 18; No. 34, 2007, s 104
s 40	amd No. 64, 2000, ss 19 and 37; No. 25, 2003, s 25; No. 17, 2007, s 14; No. 34, 2007, s 139
s40A	ins No. 25, 2003, s 26
	amd No. 17, 2007, s 28
s 40B	ins No. 25, 2003, s 26
s 42	amd No. 64, 2000, s 37; No. 19, 2004, s 10; No. 17, 2007, s 15
s 43	amd No. 19, 2004, s 11
s 44	amd No. 64, 2000, s 37; No. 25, 2003, s 42
s 44A	ins No. 64, 2000, s 20
	rep No. 19, 2004, s 12
s 45	amd No. 64, 2000, s 37
	rep No. 19, 2004, s 13
s 46	amd No. 64, 2000, s 37
	sub No. 19 , 2004, s 13
pt 8 hdg	amd No. 17, 2007, s 28
s 48	amd No. 64, 2000, s 37; No. 17, 2007, s 28
s 49	amd No. 64, 2000, s 37; No. 19, 2004, s 33; No. 17, 2007, s 28
s 49A	ins No. 17, 2007, s 16
s 50	amd No. 19, 2004, s 33
s 51	amd No. 64, 2000, s 37; No. 19, 2004, s 14
s 53	amd No. 64, 2000, s 37
	rep No. 19, 2004, s 15
s 53A	ins No. 64, 2000, s 21
	rep No. 19, 2004, s 15
s 54	amd No. 19, 2004, s 16
ss 54A – 54C	ins No. 19, 2004, s 17
s 55	amd No. 19, 2004, s 33
s 58	amd No. 64, 2000, ss 22 and 37; No. 25, 2003, s 27; No. 19, 2004, s 18; No. 17, 2007, s 17; No. 34, 2007, ss 139 and 140
s 58A	ins No. 25, 2003, s 28
	amd No. 19, 2004, s 19
s 58B	ins No. 25, 2003, s 28
s 59	amd No. 64, 2000, s 37; No. 17, 2007, s 18
s 60	amd No. 64, 2000, s 37
pt 11	
div 2A hdg	ins No. 19, 2004, s 20
s 60A	ins No. 19, 2004, s 20
pt 11	
div 2B hdg	ins No. 17, 2007, s 19
ss 60B – 60L	ins No. 17, 2007, s 19
s 61	rep No. 64, 2000, s 23
	ins No. 25, 2003, s 29
s 61A	ins No. 25, 2003, s 29
s 62	amd No. 64, 2000, s 37
	sub No. 19, 2004, s 21
s 63	amd No. 64, 2000, s 24
	sub No. 19, 2004, s 21
ss 63A – 63B	ins No. 19, 2004, s 21
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 – 68	amd No. 64, 2000, s 37
s 68A	ins No. 19, 2004, s 22
s 69	amd No. 64, 2000, s 37; No. 19, 2004, s 23; No. 17, 2007, s 20
s 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
	rep No. 19, 2004, s 24
s 73	amd No. 64, 2000, ss 28 and 37
s 74	amd No. 64, 2000, s 37
	sub No. 25, 2003, s 30
s 75	amd No. 64, 2000, s 37
s 76	amd No. 64, 2000, ss 29 and 37; No. 25, 2003, s 31
s 77	sub No. 64, 2000, s 30
	amd No. 19, 2004, s 33
s 78	amd No. 64, 2000, s 37; No. 19, 2004, s 25; No. 28, 2008, s 3
ss 79 – 88	amd No. 64, 2000, s 37
s 89	amd No. 64, 2000, s 37; No. 19, 2004, s 26; No. 17, 2007, s 21
ss 90 – 91	amd No. 64, 2000, s 37
s 91A	ins No. 64, 2000, s 31
	amd No. 17, 2007, s 22
s 93	amd No. 17, 2007, s 28
s 94	amd No. 64, 2000, s 37
pt 12	
div 1A hdg	ins No. 25, 2003, s 32
ss 93A – 93E	ins No. 25, 2003, s 32
s 93F	ins No. 25, 2003, s 33
s 95	amd No. 64, 2000, s 37
s 96	amd No. 64, 2000, s 37; No. 25, 2003, s 34; No. 19, 2004, s 33; No. 17, 2007, s 28
s 96A	ins No. 25, 2003, s 35
s 98A	ins No. 19, 2004, s 27
s 99	amd No. 64, 2000, s 37; No. 6, 2008, s 3; No. 34, 2007, s 139
s 99A	ins No. 19, 2004, s 28
s 101	amd No. 25, 2003, s 36; No. 44, 2005, s 22; No. 18, 2010, s 38
s 102	amd No. 64, 2000, s 32
	sub No. 25, 2003, s 37
	amd No. 19, 2004, s 29
s 104A	ins No. 19, 2004, s 30
s 105	sub No. 25, 2003, s 38
s 106	amd No. 17, 2001, s 21
s 106A	ins No. 17, 2007, s 23
s 107	sub No. 17, 2007, s 23
s 107A	ins No. 64, 2000, s 33
	amd No. 17, 2007, s 28
s 109	amd No. 19, 2004, s 33; No. 17, 2007, s 28
s 110	sub No. 25, 2003, s 39
s 110A	ins No. 25, 2003, s 39
s 111	amd No. 64, 2000, s 34; No. 25, 2003, s 40; No. 17, 2007, s 24
s 112	rep No. 19, 2004, s 33
s 113	amd No. 64, 2000, s 35
	sub No. 25, 2003, s 41
s 114	ins No. 17, 2007, s 25
sch 1	amd No. 19, 2004, s 31; No. 17, 2007, s 26
sch 4	amd No. 17, 2007, s 27
sch 5	amd No. 64, 2000, s 36
sch 7	sub No. 19, 2004, s 32