

THE NORTHERN TERRITORY OF AUSTRALIA

TABLE OF PROVISIONS  
No. 8 of 1980  
FIREARMS ACT

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#### SCHEDULE

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 8 of 1980

## AN ACT

Relating to firearms

[Assented to 11 January 1980]

**B**<sup>E</sup> it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### PART I - PRELIMINARY

- |   |              |
|---|--------------|
| 1. This Act may be cited as the <u>Firearms Act</u> (No.2) 1979.  | Short title  |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> .  | Commencement |
| 3. The Acts specified in the Schedule are repealed.   | Repeal       |
| 4. Notwithstanding the repeal effected by section 3 -   | Savings      |
| (a) a firearm registered under the repealed Act immediately before the commencement of this Act shall be deemed to be registered until -  |              |
| (i) the expiration of 6 months from that commencement; or   |              |
| (ii) the granting of a certificate of registration under Part III in respect of the firearm,  |              |
| whichever is the sooner;  |              |
| (b) a permit to purchase a pistol or high powered firearm within the meaning of the repealed Act that is in force immediately before the commencement of this Act shall continue in force as though this Act had not commenced, and sections 13 to 17 inclusive of the repealed Act shall remain in force in relation to that permit; |              |

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(c) a licence or permit issued under the repealed Act to a person and in force immediately before the commencement of this Act shall continue in force as though this Act had not commenced until -

(i) the expiration of 6 months from that commencement; or

(ii) the granting of a licence or permit to the person,

whichever is the sooner; and

(d) a register kept under the repealed Act shall be deemed to be a register.

Interpret-  
ation

5.(1) In this Act, unless the contrary intention appears -

"antique firearm" means a firearm -

(a) manufactured before 1900; and

(b) for which no cartridge ammunition is commercially available;

"approved" means approved by the Commissioner;

"armourer" means a person who repairs or stores firearms in the course of his business;

"collector" means a person who collects firearms for display -

(a) as curiosities or ornaments; or

(b) for their historic or artistic value or mechanical uniqueness;

"collector's piece" means a firearm which is specified in a notice under section 40 to be a collector's piece;

"Commissioner" means the Commissioner of Police appointed under the Police Administration Act;

"community government area" means community government area within the meaning of the Local Government Act;

"community government council" means a community government council constituted under Part XX of the Local Government Act;

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"dealer" means a person who deals in firearms;

"firearm" includes -

- (a) a firearm of any description;
- (b) an airgun, air rifle or other kind of gun from which any kind of shot, bullet or other missile can be discharged; and
- (c) a firearm and an airgun, air rifle or other kind of gun from which, for the time being, a shot, bullet or other missile cannot be discharged because of -
  - (i) the absence or defect of one or more of its parts; or
  - (ii) some obstruction in the airgun, air rifle or gun,

but from which, if the part or parts were replaced, renewed or repaired, or the obstruction removed, a shot, bullet or other missile could be discharged;

"firearm class A" means a firearm which is -

- (a) a rim fire rifle (a self-loading or semi-automatic rim fire rifle excepted);
- (b) a shot-gun (a self-loading or semi-automatic shot-gun excepted); or
- (c) an airgun or air rifle;

"firearm class B" means a firearm which is not a firearm class C or D and includes a firearm class A;

"firearm class C" means a pistol;

"firearm class D" means a firearm which -

- (a) is less than 70 cm long and is capable of being concealed on or about a person;
- (b) is constructed primarily as an anti-personnel weapon (including a firearm of a military pattern which is self-loading or semi-automatic);
- (c) is capable of discharging drugs or tranquillizers; or

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(d) is declared under section 12 to be a firearm class D,

but does not include a pistol;

"licence" means a licence granted under Part IV;

"licensed shooter" means a person who holds a licence granted under Division 5 of Part IV;

"machine-gun" means a firearm (including a pistol) which discharges or is capable of discharging more than one shot, bullet or other missile on a single release of a trigger mechanism, but does not include a collector's piece;

"member" means a member of the Police Force of the Northern Territory of Australia;

"permit" means a permit granted under Part IV;

"pistol" means a firearm which is -

(a) designed or adapted to be aimed and discharged using one hand only; and

(b) capable of being concealed on or about the person;

"purchase permit" means a permit granted under Division 6 of Part IV;

"register" means a register required to be kept under this Act;

"Registrar" means a person deemed to be a Registrar by section 8;

"repealed Act" means the Firearms Act as in force immediately before the commencement of this Act;

"restricted area" means an area declared to be a restricted area under section 78;

"rifle club" means a Rifle Club established under the Australian Rifle Club Regulations made under the Defence Act 1903 of the Commonwealth;

"sale", in relation to a firearm, includes -

(a) the hiring; or

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(b) the transfer otherwise than for valuable consideration,

of the firearm;

"silencer" means any device capable of being used to suppress the noise of the discharge of a firearm;

"temporary permit" means a permit granted under Division 7 of Part IV.

(2) For the purposes of this Act, a person deals in firearms if he buys, sells, exchanges or hires out firearms in the course of his business, whether or not he also, in the course of his business, repairs firearms.

(3) For the purposes of this Act, a firearm is sold when the possession of the firearm in pursuance of the sale passes from the person who sells the firearm (or, if the firearm is sold by a dealer, an employee or partner of that dealer) to another person.

(4) For the purposes of this Act, a firearm is registered if there is a certificate of registration under Part III in force in relation to the firearm.

6.(1) This Act does not apply to or in relation to - Exemptions

(a) a person who is a member of the Defence Force referred to in Division 1 of Part III of the Defence Act 1903 of the Commonwealth;

(b) a firearm the property of the Crown or the Commonwealth used or possessed by a person referred to in paragraph (a) in the course of his duty as such a member; and

(c) a firearm which -

(i) is an explosive-powered tool within the meaning of the Construction Safety Act;

(ii) is in an approved museum;

(iii) is an antique firearm;

(iv) is a pistol designed to be used for life-saving, rescuing or distress signal purposes; or



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(v) the Commissioner has certified is permanently incapable of use as a firearm.

(2) Part III does not apply to or in relation to a firearm which is in the possession of a licensed dealer or licensed armourer in the ordinary course of his business.

(3) Parts III and IV do not apply to or in relation to a person who is a common carrier in respect of his possession of a firearm which -

(a) is not his property; and

(b) forms part of a consignment of goods in his possession as a common carrier.

(4) Part IV does not apply to or in relation to a person who is -

(a) an employee within the meaning of the Public Service Act or the Electricity Commission Act; or

(b) an officer or employee of the Public Service of the Commonwealth or a statutory body of the Commonwealth,

in respect of his possession or use of a firearm the property of the Crown or the Territory in the course of his duty as such an employee or officer, as the case may be.

(5) Part IV and sections 81, 90, 91, 93, 94 and 95 do not apply to or in relation to a member or a member of the Police Force of a State, another Territory or the Commonwealth in respect of his possession or use of a firearm the property of the Crown or the Territory in the course of his duty as such a member.

(6) The Commissioner may, by notice in writing, exempt a shooting gallery, amusement parlour or like place from such of the provisions of this Act and on such conditions, as he thinks fit.

## PART II - ADMINISTRATION

### Delegation

7.(1) The Commissioner may, from time to time, by instrument in writing, delegate such of his powers and functions (this power of delegation excepted) as are specified in the instrument to any member or employee within the meaning of the Public Service Act.

## Firearms (No. 2)

(2) A delegation referred to in sub-section (1) may be made either generally or for any particular case or class of cases.

(3) A power or function delegated under this section may be exercised or performed, as the case may be, by the person to whom the delegation is made in accordance with the terms of the delegation.

(4) A delegation under this section is revocable at will and does not prevent the exercise of the power or the performance of the function so delegated by the Commissioner.

8.(1) Each member in charge of a Police Station shall be deemed to be a Registrar. Registrars

(2) A Registrar shall have and may, subject to this Act, exercise and perform all the powers, duties and functions conferred and imposed on the Commissioner under this Act and is, in the exercise of those powers and the performance of those duties and functions, subject to the control and direction of the Commissioner.

9. Each Registrar shall, upon granting a licence or permit or registering a firearm, transmit particulars of the licence, permit or firearm, as the case may be, to the Commissioner. Particulars to be furnished

10. The Commissioner shall keep a record of firearms registered and licences and permits granted under this Act. Registers

### PART III - REGISTRATION OF FIREARMS

11.(1) No person shall carry, own, possess or discharge an unregistered firearm. Firearms to be registered

Penalty: if the firearm is a firearm class A or B - \$1,000; or  
in any other case - \$2,000 or 6 months imprisonment.

(2) It is a defence to a prosecution for an offence against sub-section (1) that a temporary permit was in force in relation to the firearm at the time of commission of the offence.

(3) It is a defence to a prosecution for an offence against sub-section (1) in relation to the ownership or possession of an unregistered firearm that -

(a) the defendant had owned or possessed, as the

Firearms (No. 2)

case may be, the firearm for a period of not more than 14 days before the date of the offence; or

- (b) the defendant is a member of a rifle club and the firearm is a firearm used or carried by him only for the purpose of engaging in or proceeding to or from drill or rifle practice.

Firearms  
class D

12. The Commissioner may, by notice in the Gazette, declare any firearm other than a pistol to be a firearm class D.

Application  
for registra-  
tion

13.(1) A person may apply to the Commissioner for a certificate of registration in respect of a firearm.

(2) An application under sub-section (1) shall be -

- (a) in the approved form; and
- (b) accompanied by the prescribed fee.

Determination  
of application

14.(1) The Commissioner may determine an application for registration of a firearm by -

- (a) granting, either conditionally or unconditionally; or
- (b) refusing to grant,

a certificate of registration in respect of the firearm.

(2) The Commissioner shall not grant a certificate of registration in respect of a firearm unless -

- (a) if the firearm is not a collector's piece - he is satisfied that it is safe and fit for use; and
- (b) he is satisfied that the applicant -
  - (i) is the owner of the firearm; and
  - (ii) is the holder of a licence authorizing him to possess the firearm.

(3) The Commissioner may require an applicant to deposit the firearm the subject of the application with him for the purpose of inspecting it.

Date of  
registration

15. The registration of a firearm has effect on and from the date on which the certificate of registration in respect of that firearm is granted.

Firearms (No. 2)

16. A registered firearm ceases to be registered - Duration of registration
- (a) if it is sold or otherwise disposed of;
  - (b) if it is lost or stolen; or
  - (c) if it is altered in a way -
    - (i) that affects its safety or fitness for use; or
    - (ii) such that it becomes a firearm of a different class to the class specified in the certificate of registration in respect of it.

17. The owner of a registered firearm shall - Certain particulars to be furnished
- (a) if he changes his address - furnish written particulars of the change to the Commissioner or a Registrar not later than 14 days after the change;
  - (b) if he sells or otherwise disposes of the firearm - give written notice to the Commissioner or a Registrar not later than 14 days after the sale or disposition, stating the name and address of the person to whom he sold or otherwise disposed of the firearm; and
  - (c) if the firearm is lost or stolen - give written notice thereof to the Commissioner or a Registrar not later than 14 days after becoming aware that it has been lost or stolen, as the case may be.

Penalty: \$500.

PART IV - LICENCES

Division 1 - General

18.(1) No person shall carry, own, hire, possess, purchase, repair, store or discharge a firearm or deal in firearms unless he is authorized to do so by this Act. Carriage, hire, &c., of firearms prohibited

Penalty: if the offence is an offence in relation to a firearm class A or B - \$1,000; or if the offence is an offence in relation to a firearm class C or D - \$2,000.

(2) It is a defence to a prosecution for an offence against sub-section (1) in relation to the carriage, possession or storage of a firearm that -

- (a) the defendant -

Firearms (No. 2)

- (i) is not ordinarily resident in the Territory; and
- (ii) entered the Territory for the first time not more than 7 days before the date of the alleged offence; and
- (b) the firearm is registered in, or the defendant is authorized by or under a law in force in the State or Territory in which he is ordinarily resident to carry, possess or store the firearm.
- (3) It is a defence to a prosecution for an offence against sub-section (1) in relation to the possession or carriage of a firearm that the defendant is a member of a rifle club and the firearm is a firearm used or carried by him only for the purpose of engaging in or proceeding to or from drill or rifle practice.

Applications  
for licences  
or permits

19. An application for a licence or permit shall be -

- (a) in the approved form; and
- (b) accompanied by the prescribed fee.

Date of  
licence or  
permit

20. A licence or permit has effect on or from the date on which it is granted.

Division 2 - Dealers

Application  
for dealer's  
licence

21. A person may apply to the Commissioner for a dealer's licence.

Determination  
of application

22.(1) Subject to this Act, the Commissioner may determine an application for a dealer's licence by -

- (a) granting, either conditionally or unconditionally, the licence; or
- (b) refusing to grant the licence.
- (2) The Commissioner shall not grant a dealer's licence to an applicant unless he is satisfied that -
  - (a) the applicant -
    - (i) is a fit and proper person to deal in firearms and ammunition;

Firearms (No. 2)

- (ii) has an adequate understanding of the laws in force in the Territory relating to firearms;
  - (iii) if he proposes to repair and store firearms - has adequate training and experience in the repair and storage of firearms;
  - (iv) is or will, upon the grant of the licence, be in charge of the premises from which the business of dealing in firearms is to be conducted; and
  - (b) the premises from which the business of dealing in firearms is to be conducted are satisfactory for the purposes of carrying on that business.
- (3) Without limiting the generality of sub-section (1), conditions which may be imposed on a dealer's licence include conditions prohibiting the person who holds the licence from repairing firearms.
23. The Commissioner shall not grant a dealer's licence to an infant. Infants, &c.
24. A dealer's licence shall be in the approved form and shall specify the premises in respect of which it is granted. Form of dealer's licence
- 25.(1) A licensed dealer may, subject to the terms and conditions of the licence, carry, possess, repair, store and deal in firearms on the premises specified in the licence. Effect of dealer's licence
- (2) A licensed dealer or the partner or employee of the licensed dealer may, in the course of the business of the licensed dealer, discharge or carry any firearms -
- (a) for the purpose of demonstrating the firearm to a prospective purchaser of the firearm; or
  - (b) if the licensed dealer is repairing the firearm - for the purpose of testing it.
26. Subject to this Act, a dealer's licence remains in force for 12 months from the date on which it is granted or, if a longer period is specified in the licence, that longer period. Duration of dealer's licence
- 27.(1) A licensed dealer shall ensure that all firearms kept on the premises specified in his dealer's licence are - Security

Firearms (No. 2)

- (a) rendered inoperable; or
- (b) so secured in a display cabinet or rack that they cannot be readily removed.

Penalty: \$400.

(2) Sub-section (1) does not apply to or in relation to a firearm -

- (a) in the physical possession of; or
- (b) being displayed to a member of the public under the immediate and continuous supervision of,

the person who holds the dealer's licence in respect of the premises on which the firearm is kept or a partner or employee of that person.

**Registers**

28.(1) A dealer shall keep a register of all firearms on the premises specified in his dealer's licence.

(2) A register under sub-section (1) shall be in the approved form and shall show -

- (a) details of all firearms purchased and sold by the dealer;
- (b) details of all purchases and sales of firearms made by the dealer; and
- (c) any other prescribed matter.

Penalty: \$400.

**Particulars to be kept**

29. A dealer shall, not later than 24 hours after the sale by him of a firearm, record the prescribed particulars in relation to the sale in a register kept by him.

Penalty: \$400.

**Returns**

30. Each dealer shall, not later than 7 days after the last day in the months of March, June, September and December in every year, forward to the Commissioner a record in the approved form of -

- (a) all purchases and sales of firearms made by him; and
- (b) if the dealer stores and repairs firearms - all firearms in his possession or left with him for repair or storage,

Firearms (No. 2)

in the 3 months before that last day.

Penalty: \$400.

31. A member may, at any time during normal business hours, require a dealer to produce any firearm in his possession or any record or register required to be kept under this Division.

Powers of  
members

Division 3 - Armourers

32. A person may apply to the Commissioner for an armourer's licence.

Application  
for armourer's  
licence

33.(1) Subject to this Act, the Commissioner may determine an application for an armourer's licence by -

Determination  
of applications

(a) granting, either conditionally or unconditionally, the licence; or

(b) refusing to grant the licence.

(2) The Commissioner shall not grant an armourer's licence to an applicant unless he is satisfied that -

(a) the applicant -

(i) is a fit and proper person to repair and store firearms;

(ii) has an adequate understanding of the laws in force in the Territory relating to firearms;

(iii) has adequate training and experience in the repair and storage of firearms; and

(iv) is or will, upon the grant of the licence, be in charge of the premises from which the business of repairing or storing firearms is to be conducted; and

(b) the premises from which the business of repairing or storing firearms is to be conducted are satisfactory for the safe keeping of firearms.

34. The Commissioner shall not grant an armourer's licence to an infant.

Infants

35. An armourer's licence shall be in the approved form and shall specify the premises in respect of which it is granted.

Form of  
armourer's  
licence



Firearms (No. 2)

Effect of  
armourer's  
licence

36.(1) A licensed armourer may, subject to the terms and conditions of his licence, carry, discharge, possess, repair and store firearms on the premises specified in the licence.

(2) A licensed armourer or the partner or an employee of a licensed armourer may discharge and carry any firearm for the purpose of testing the firearm in the course of the business of the armourer.

Duration of  
armourer's  
licence

37. Subject to this Act, an armourer's licence remains in force for 12 months from the date on which it is granted or if a longer period is specified in the licence that longer period.

Security

38.(1) A licensed armourer shall ensure that all firearms on the premises specified in his licence are securely stored.

Penalty: \$400.

(2) Sub-section (1) does not apply to or in relation to a firearm actually in the physical control of an armourer or of a partner or employee of an armourer.

Returns

39. Each armourer shall, not later than 7 days after the last day in the months of March, June, September and December in every year, forward to the Commissioner a record in the prescribed form of all firearms repaired by him in the 3 months before that last day.

Penalty: \$400.

Division 4 - Collectors

Collector's  
pieces

40. The Commissioner may, by notice in writing, certify that a specified firearm is a collector's piece.

Application for  
collector's  
licence

41. A person may apply to the Commissioner for a collector's licence.

Determination  
of applications

42.(1) Subject to this Act, the Commissioner may determine an application for a collector's licence by -

(a) granting, either conditionally or unconditionally, the licence; or

(b) refusing to grant the licence.

(2) The Commissioner shall not grant a collector's licence to an applicant unless he is satisfied that -

(a) the applicant -

Firearms (No. 2)

- (i) is a fit and proper person to collect firearms;
  - (ii) is a bona fide collector;
  - (iii) has an adequate understanding of the law in force in the Territory relating to firearms; and
  - (iv) is or will, upon the grant of the licence, be in charge of the premises where the collector's pieces are usually kept; and
- (b) the premises where the collector's pieces are usually kept are satisfactory for the safe keeping of firearms.

43. The Commissioner shall not grant a collector's licence to an infant unless he is satisfied that special circumstances exist which warrant the grant of the licence to the infant.

Infants

44. A licensed collector may, subject to the terms and conditions of his licence and to Division 5, purchase, possess and display collector's pieces.

Effect of  
collector's  
licence

45. A collector's licence remains in force until -

Duration of  
collector's  
licence

(a) the collector leaves the Territory and does not intend to return; or

(b) it is revoked.

46. A licensed collector who intends to leave the Territory and not return shall give written notice to the Commissioner of his intention and if he does not sell or otherwise dispose of all the collector's pieces to which his licence relates and intends to remain in Australia - particulars of a licence or permit issued under the law in force in another Territory or State authorizing him to possess the collector's pieces not so sold or disposed of in that Territory or State.

Particulars  
to be fur-  
nished

Penalty: \$400.

47.(1) Subject to sub-section (2), no person shall discharge or carry for the purpose of discharging a collector's piece.

Discharge of  
collector's  
pieces

Penalty: \$400.

(2) A licensed collector may discharge and carry for the purpose of discharging a collector's piece with and in accordance with the terms of an authorization issued by the Commissioner.

*Journal of Management Education* 30(6)p. 789-804  
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48. A person may apply to the Commissioner for a shooter's licence.

## Examinations

49. The Commissioner shall not determine an application for a shooter's licence until the applicant has -

- (a) undergone an examination of his knowledge of the laws in force in the Territory relating to firearms; and
- (b) demonstrated his ability to handle firearms and ammunition safely.

50.(1) Subject to this Act, the Commissioner may determine an application for a shooter's licence by -

- (a) granting, either conditionally or unconditionally, the licence; or
- (b) refusing to grant the licence.

(2) The Commissioner shall not grant a shooter's licence to an applicant unless he is satisfied that the applicant -

- (a) is a fit and proper person to possess, carry and discharge firearms;
- (b) has an adequate understanding of the laws in force in the Territory relating to firearms;
- (c) has adequate training and experience in the discharging and safe handling of firearms and ammunition; and
- (d) if the application relates to a firearm class C or D - has a sufficient reason to possess, carry and discharge a firearm class C or D, as the case may be.

(3) For the purposes of this section, a member of an approved pistol club has, by virtue of that membership, a sufficient reason to possess, carry and discharge a firearm class C.

51. The Commissioner shall not grant a shooter's licence to an applicant who has been convicted of an offence -

- (a) against any law in force in the Territory or in a State or another Territory relating to fire-arms or against the repealed Act; or

Firearms (No. 2)

- (b) against a law in force in the Territory or in a State or another Territory, which offence involved the use or possession of firearms,

unless -

- (c) where, upon the trial of the applicant for the offence against that law, an order under section 4(1) of the Criminal Law (Conditional Release of Offenders) Act has been made directing that the applicant be discharged upon his giving the security in accordance with that sub-section, or where a pecuniary penalty only has been imposed - a period of not less than 12 months has elapsed since the date of the conviction; or
- (d) the Commissioner is satisfied that, in all the circumstances, it is proper to grant the licence.

52.(1) Subject to this section, the Commissioner shall not grant a shooter's licence in respect of firearms class B, C or D to an infant.

Infants

(2) Subject to this section, the Commissioner shall not grant a shooter's licence in respect of firearms class A to a person under the age of 16 years.

(3) The Commissioner may, if he is satisfied that special circumstances exist which warrant the grant of a licence to the infant, grant a shooter's licence to a person notwithstanding that the person has not attained his majority or the age specified in respect of that licence in this section, as the case may be.

53. A shooter's licence shall be in the approved form and shall specify -

Form of  
shooter's  
licence

- (a) the class of firearm to which it relates; and
- (b) the conditions to which it is subject.

54. Subject to this Act, a shooter's licence remains in force for 3 years from the date on which it is granted or if a longer period is specified in the licence, the longer period.

Duration of  
shooter's  
licence

55. A licensed shooter may, subject to the terms and conditions of his licence and Division 6, carry, own, possess, purchase and discharge firearms.

Effect of  
shooter's  
licence

56. A person who is not a licensed shooter may possess or discharge a firearm if -

Shooting by  
unlicensed  
persons

Firearms (No. 2)

- (a) he is in the company of his parent or guardian who holds a shooter's licence in respect of a firearm of that class and the firearm is used in accordance with the conditions specified in that licence; or
- (b) the person is under the direct supervision of an instructor of a rifle club or an approved gun or pistol club and both he and the instructor are physically present on the club's shooting range.

Division 6 - Purchase Permits

Purchase of  
certain fire-  
arms pro-  
hibited

57.(1) No person, other than a licensed dealer, shall acquire ownership, whether by purchase or otherwise, of a firearm class C or D unless he is the holder of a purchase permit granted in respect of that firearm.

(2) No person shall sell a firearm class C or D to a person who does not possess a purchase permit authorizing him to acquire ownership of the firearm.

Penalty: \$1,000.

Application  
for purchase  
permit

58. A person who holds a shooter's or collector's licence in respect of a firearm class C or D may apply to the Commissioner for a purchase permit in respect of a firearm class C or D, as the case may be.

Form of  
application

59. An application for a purchase permit shall be accompanied by the shooter's or collector's licence held by the applicant for the permit.

Determination  
of applica-  
tion

60.(1) Subject to this Act, the Commissioner may determine an application for a purchase permit by -

(a) granting, either conditionally or unconditionally, that permit; or

(b) refusing to grant the permit.

(2) The Commissioner shall not grant a purchase permit to an applicant unless he is satisfied that the applicant has a sufficient reason to own a firearm of the class to which the application relates.

Effect of  
purchase  
permit

61. A person who holds a purchase permit may acquire ownership of the firearm specified in the permit or the number specified in the permit of the firearms of the class specified in the permit.

## Firearms (No. 2)

62. A purchase permit shall remain in force for the period specified in the permit.

Duration of  
purchase  
permit

63. Where a person sells or otherwise disposes of a firearm class C or D to another person he shall -

Particulars  
to be fur-  
nished

(a) endorse on the purchase permit issued to the last-mentioned person the prescribed particulars in relation to the firearm so disposed of; and

(b) not later than 24 hours after the disposition of the firearm -

(i) return the permit to the Commissioner or Registrar; or

(ii) forward the permit by prepaid registered post to the Commissioner or Registrar.

Penalty: \$400.

### Division 7 - Temporary Permits

64. A person may apply to the Commissioner for a temporary permit.

Application  
for temporary  
permit

65.(1) Subject to this Act, the Commissioner may determine an application for a temporary permit by -

Determination  
of applica-  
tions

(a) granting, either conditionally or unconditionally, the permit; or

(b) refusing to grant the permit.

(2) The Commissioner shall not grant a temporary permit which authorizes the discharge of a firearm to an applicant unless he is satisfied that that applicant has an adequate knowledge of the laws in force in the Territory relating to firearms.

66. Subject to this Act, a temporary permit remains in force for 12 months from the date on which it is granted or, if a shorter period is specified in the permit, that shorter period.

Duration of  
temporary  
permits

67. Where the Commissioner refuses to grant or renew a permit he may require the applicant for the permit to lodge the firearm specified in the application with him for safe keeping for such period as is specified by him.

Powers of  
Commissioner

Firearms (No. 2)

Effect of  
temporary  
permit

68. A temporary permit may -

- (a) authorize the carriage, ownership, possession or discharge of an unregistered firearm specified in the permit; and
- (b) authorize the carriage, ownership, hire, possession or discharge of a firearm by a person.

PART V - REVOCATION AND APPEALS

Division 1 - Revocation

Revocations

69. The Commissioner may, by notice served on the holder of the licence or permit or the person to whom the certificate of registration in respect of the firearm was granted, revoke a licence or permit or the registration of a firearm, as the case may be -

- (a) upon the written request of the person to whom the licence, permit or certificate of registration was granted;
- (b) which he is satisfied has been obtained through fraud or deception;
- (c) if he is satisfied that the holder of the licence, permit or certificate of registration -
  - (i) has committed an offence against any law in force in the Territory relating to or involving the use, carriage, discharge or possession of firearms; or
  - (ii) in the case of a licence or permit - is no longer a fit or proper person to carry out the activity authorized by the licence or permit;
- (d) in the case of a licence or permit relating to a firearm class C or D - if he is satisfied that the holder of the licence or permit no longer has a good reason to possess or use a firearm of the class specified in the licence or permit;
- (e) in the case of a dealer's licence - if he is satisfied that -
  - (i) the holder of the licence is not in charge of the premises specified in the licence; or
  - (ii) the premises specified in the licence are no longer satisfactory for the purposes of carrying out that business;

## Firearms (No. 2)

- (f) in the case of an armourer's licence - if he is satisfied that -
  - (i) the holder of the licence is not in charge of the premises specified in the licence; or
  - (ii) the premises specified in the licence are no longer satisfactory for the purposes of carrying out that business; or
- (g) in the case of a collector's licence - if he is satisfied that -
  - (i) the holder of the licence is no longer a bona fide collector of collector's pieces or will no longer be in charge of the premises where the collector's pieces are usually kept; or
  - (ii) the premises where the collector's pieces are usually kept are no longer satisfactory for the safe keeping of firearms.

70. A person on whom a notice under section 69 is served shall, not later than 2 days after the date of service of that notice, deliver the revoked licence, permit or certificate of registration, as the case may be, to the Commissioner or send it to him by prepaid certified post.

Revoked li-  
cences, &c.,  
to be  
delivered

71.(1) This section applies subject to section 74.

(2) Where the Commissioner revokes the registration of a firearm, the person to whom the certificate of registration in respect of the firearm is granted shall, within the time specified within the notice served under section 69 revoking the registration of the firearm, sell or otherwise dispose of the firearm.

Firearms  
to be  
disposed of

(3) Where the Commissioner revokes a licence or permit, the holder of that licence or permit shall, within the time specified in the notice served under section 69 revoking the licence or permit, sell or otherwise dispose of those firearms the ownership or possession of which was authorized by the licence or permit revoked and by no other licence or permit.

Penalty: \$400.

## Division 2 - Appeals

72. A person aggrieved by a decision of the Commissioner (a decision under Division 7 of Part IV or section 69(a) excepted) may appeal to a Court of Summary Jurisdiction.

Appeals



## Firearms (No. 2)

Notice of  
appeal

73. An appeal under this Division shall be instituted by lodging with the Clerk of the Court of Summary Jurisdiction a notice of appeal -

- (a) in the prescribed form; and
- (b) accompanied by the prescribed fee.

Lodgement  
of firearms

74. Where a notice of appeal has been lodged under section 73, the appellant shall deliver to the Commissioner for safe keeping such firearms as he would, but for this section, be required to sell or otherwise dispose of by section 71.

Service

75. A notice of appeal shall be served by the appellant on the Commissioner.

Powers of  
Court of  
Summary  
Jurisdiction

76. A Court of Summary Jurisdiction has, on an appeal under this Division, all the powers, authorities, duties, functions and discretions which the Commissioner has in relation to the decision the subject of the appeal.

Determination  
of appeals

77.(1) A Court of Summary Jurisdiction shall determine an appeal under this Part by -

- (a) confirming the decision of the Commissioner; or
- (b) substituting its own decision.

(2) Where a Court of Summary Jurisdiction substitutes its decision for a decision of the Commissioner, the Commissioner shall take such action as is necessary to give effect to the decision so substituted.

### PART VI - RESTRICTED AREAS

Declaration of  
restricted  
areas

78.(1) Subject to this Part, the Minister may, by notice in the Gazette, declare an area of land (an area of land referred to in sub-section (2) excepted) to be a restricted area.

(2) Subject to this Part, a community government council which has power to make by-laws for or with respect to the display, presence and use of firearms may, by notice in the Gazette, declare the whole or any part of its community government area to be a restricted area.

Community  
government  
council to be  
consulted

79. The Minister shall not declare an area of land which forms the whole or part of a community government area to be a restricted area unless he has informed the clerk of the community government council for that community government area of his intention to so declare the land.

Firearms (No. 2)

80. Where the Minister has informed the clerk of the community government council under section 79 of his intention to declare an area of land to be a restricted area, he shall not declare that area of land to be a restricted area until -

Community  
government  
council to  
advise

(a) he has received the advice of the community government council for that community government area in relation to the proposed declaration; or

(b) a period of 28 days from the date on which the clerk was so informed has elapsed,

whichever is the earlier.

81.(1) Subject to this Act, a person shall not -

(a) bring into;

(b) discharge; or

(c) carry,

a firearm in a restricted area.

Offences in  
relation to  
restricted  
areas

Penalty: \$400.

(2) It is a defence to a prosecution for an offence against sub-section (1)(a) or (c) that the person charged -

(a) had no intention of discharging the firearm in the restricted area; and

(b) did not in fact discharge the firearm in the restricted area.

82. The Minister or, if the declaration of the restricted area was made by a community government council, the clerk of that council, shall, not later than 14 days after the publication of a notice under section 78 in the Gazette, cause to be published in a newspaper, if any, circulating in the restricted area notice that the declaration has been made.

Publicity

83. A declaration of an area as a restricted area shall have effect on and from -

(a) the date of notification in the Gazette referred to in section 78; or

(b) such later date as is specified in the declaration.

Date of  
declaration  
of restricted  
areas

Firearms (No. 2)

Notices to  
be kept  
posted

84. The Commissioner or, if the declaration of the restricted area was made by a community government council, the clerk of that council, shall take all such steps as are, in his opinion, necessary to cause to be posted and to be kept posted at -

(a) any place where a road or other customary access route enters a restricted area; and

(b) any customary landing locations for aircraft flying into a restricted area,

a notice stating that it is an offence to bring firearms into or discharge firearms within a restricted area.

PART VII - OFFENCES IN RELATION TO FIREARMS

Alteration  
of firearms  
generally

85. No person shall alter a firearm in a way that -

(a) affects its safe operation; or

(b) alters the class of the firearm,

except with and in accordance with the prior written approval of the Commissioner.

Penalty: \$1,000.

Alteration  
of identific-  
ation marks

86.(1) No person shall deface or alter any identifying serial number on a firearm without the approval of the Commissioner.

(2) No person shall be in possession of a firearm the serial numbers of which have been defaced or altered in contravention of sub-section (1) without the approval of the Commissioner.

Penalty: \$1,000.

Toy guns,  
&c.

87. No person shall convert a toy gun or any article of a similar nature into a firearm.

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

Firearms to  
be kept  
secure

88. Every person who owns or possesses a firearm shall take such steps as are reasonably necessary to keep the firearm secure from loss or theft.

Penalty: \$1,000.

Unsafe  
firearms

89.(1) Subject to this section, no person shall have in his possession an unsafe firearm.

Penalty: \$1,000.

Firearms (No. 2)

(2) A licensed armourer or dealer may have an unsafe firearm in his possession for the purpose of repairing it.

(3) A licensed collector may have an unsafe collector's piece in his possession.

(4) It is a defence to a prosecution for an offence against this section that the defendant did not know and could not reasonably have known that the firearm was unsafe.

90. No person shall use, carry or possess a Silencers  
silencer.

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

91.(1) No person shall discharge, carry or Machine-guns  
possess a machine-gun.

Penalty: \$4,000 or imprisonment for 12 months.

(2) It is a defence to a prosecution for an offence against sub-section (1) that -

- (a) the firearm is a machine-gun by reason only of a defect or obstruction in the firearm; and
- (b) the person charged took such steps as were reasonable in the circumstances to have the firearm repaired.

92. A silencer or machine-gun used, discharged, carried or possessed by a person in contravention of section 90 or 91 shall be forfeited to the Crown upon the conviction of the person for the offence.

Forfeiture  
of silencers  
and machine-  
guns

93.(1) In this section -

"public place" means a public place within the meaning of the Summary Offences Act;

Carrying fire-  
arms in public  
places

"town" means a town within the meaning of the Crown Lands Act and includes -

- (a) a municipality; and
- (b) a city,

but does not include a community government area the community government council for which has and has exercised the power to make by-laws for or with respect to the display, presence and use of firearms.

Firearms (No. 2)

(2) No person shall carry a firearm exposed to public view in a public place within the boundaries of a town.

Penalty: \$1,000.

(3) No person shall carry a loaded firearm in a public place within the boundaries of a town.

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

(4) It is a defence to a prosecution for an offence against this section that -

(a) the defendant had a reasonable excuse for performing the act constituting the offence; or

(b) the carrying of the firearm was authorized by or under this Act.

Discharge of  
firearms on  
certain land

94.(1) No person shall discharge a firearm on land (vacant Crown land excepted) owned or occupied by another person.

Penalty: \$1,000.

(2) It is a defence to a prosecution for an offence against sub-section (1) that the occupier of the land consented, either expressly or impliedly, to the use of the firearm.

(3) It is a defence to a prosecution for an offence against sub-section (1) that the defendant was authorized by or under another law in force in the Territory to discharge the firearm.

Possession of  
firearms on  
certain land

95.(1) Subject to this Act, no person shall be in possession of a firearm on land owned or occupied by another person the boundaries of which are fenced or otherwise clearly marked.

Penalty: \$1,000.

(2) It is a defence to a prosecution for an offence against sub-section (1) that -

(a) the occupier of the land consented, either expressly or impliedly, to the defendant's possession of the firearm; or

(b) the defendant was, at the time of the offence -

(i) approaching the residence of the occupier

Firearms (No. 2)

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.

96. No person shall, without lawful excuse, knowingly discharge any firearm onto, from or across any public road.

Discharge of firearms on roads

Penalty: \$1,000.

97. No person shall have a firearm in his physical possession while under the influence of alcohol or any drug.

Persons under the influence of alcohol or drugs

Penalty: \$1,000.

98. No person shall knowingly permit possession of a firearm or ammunition owned or possessed by him to be taken by another person whom he has reasonable grounds for believing is -

Delivery of firearms to certain persons

(a) under the influence of alcohol or drugs; or

(b) is of unsound mind.

Penalty: \$1,000.

99. No person who is the owner of a firearm shall knowingly permit possession of the firearm to be taken by another person unless he has reasonable grounds for believing the person is the holder of a licence or permit or otherwise authorized to possess or to discharge the firearm.

Delivery of firearms to unlicensed persons

Penalty: \$1,000.

100.(1) No person shall make a false statement in relation to any application for the registration of a firearm or the grant of a licence or permit.

False statements

(2) No person shall make a false entry in any record, return or register required to be kept or furnished under this Act.

Penalty: \$400.

101. No person who is the holder of a licence or a permit shall fail to notify the Registrar of any change in any particular contained in the licence or permit within 14 days after the change.

Changes to be notified

Penalty: \$500.

Firearms (No. 2)

Requirements  
to be  
complied  
with

102. Subject to this Act, no person shall fail to comply with a requirement or request legally made by a member pursuant to his powers under the Act.

Penalty: \$400.

PART VIII - GENERAL

Police may  
request names  
and addresses

103. Any member may, without warrant, request a person who is in actual possession of a firearm to state his name and address.

Police may  
request  
licences, &c.

104.(1) Any member may, without warrant, request a person who is in actual possession of a firearm to produce all licences, certificates of registration and permits of which he is the holder.

(2) A person to whom a request under sub-section (1) is given shall produce the licences, certificates of registration and permits of which he is the holder -

(a) forthwith to the member who made the request;  
or

(b) in the case of a licence in respect of a firearm class A or B - not later than 48 hours after the request to the member in charge of a police station nominated by the person to the member who made the request at the time of the request.

Penalty: \$400.

Searches and  
seizure

105.(1) Any member may, without warrant -

(a) search the person of, the clothing that is being worn by and the property in the immediate control of a person whom he believes on reasonable grounds to be carrying a firearm or silencer in respect of which he believes on reasonable grounds an offence against this Act has been committed; and

(b) enter into or upon any land, vehicle, aircraft or vessel on or which he believes on reasonable grounds that such a firearm or silencer is situated.

(2) A member may seize any firearm or silencer found in the course of a search, or upon land, a vehicle, an aircraft or a vessel entered into or upon, in pursuance of sub-section (1).

Firearms (No. 2)

(3) A person shall not be searched pursuant to this section by a person who is not of the same sex as the person being searched.

106.(1) Where a person is convicted of an offence against this Act, the Court may, in addition to any other penalty imposed by or under this Act -

Revocation,  
disqualifica-  
tion and for-  
feiture

- (a) declare any specified licence or permit held by the person convicted to be revoked;
- (b) disqualify the person from holding a specified licence or permit for the period specified by the Court; or
- (c) subject to this Act, order any firearm owned or in the possession of the person to be forfeited to the Crown.

(2) A declaration under sub-section (1)(a) has effect to revoke the licence or permit specified in the declaration.

(3) The Commissioner shall not issue a licence or permit to a person referred to in sub-section (1)(b) while that person is disqualified from holding the licence or permit.

(4) The Court shall not order any firearms to be forfeited to the Crown under sub-section (1)(c) if it appears to the Court that the firearm is the property of a person who has not been convicted of an offence against this Act but may order that that firearm be delivered to that last-mentioned person.

107. In any proceedings for an offence against this Act, an averment by the prosecutor in a complaint or information that -

Averments

- (a) a specified person was or was not, at a specified time, the holder of a specified licence or permit;
- (b) a specified firearm is of a specified calibre, class or kind;
- (c) a specified person was, at a specified time, the owner of a specified firearm;
- (d) a specified firearm was, at a particular time, registered or not registered; or
- (e) the registration of a firearm or a licence or permit was subject to specified conditions at a specified time,



Firearms (No. 2)

is evidence of the fact so averred.

Disposition  
of seized  
firearms

108. Notwithstanding section 166 of the Police Administration Act, no firearm seized shall be disposed of as provided in that section until -

(a) if no proceedings are instituted against any person for an offence involving the firearm - the expiration of 2 months after the date of seizure; or

(b) in any other case - the expiration of 6 months after the date of seizure.

Notices

109. A notice under this Act may be served on a person -

(a) by certified post; or

(b) personally.

Regulations

110.(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

(2) Without limiting the generality of sub-section (1) the regulations may make provisions authorizing the Commissioner to waive or reduce any fee prescribed by the regulations as he thinks fit.

Firearms (No. 2)

SCHEDULE

Section 3

REPEALED ORDINANCES

Firearms Ordinance 1956 (No. 8 of 1956)  
Firearms Ordinance 1959 (No. 21 of 1959)  
Firearms Ordinance 1960 (No. 6 of 1961)  
Firearms Ordinance 1961 (No. 21 of 1961)  
Firearms Ordinance 1964 (No. 40 of 1974)  
Firearms Ordinance (No. 2) 1964 (No. 13 of 1966)  
Firearms Ordinance 1965 (No. 43 of 1965)  
Firearms Ordinance 1966 (No. 41 of 1966)  
Firearms Ordinance (No. 2) 1966 (No. 21 of 1966)  
Firearms Ordinance 1967 (No. 5 of 1967)  
Firearms Ordinance (No. 2) 1967 (No. 41 of 1967)  
Firearms Ordinance 1968 (No. 61 of 1968)  
Firearms Ordinance (No. 2) 1968 (No. 72 of 1968)  
Firearms Ordinance 1971 (No. 43 of 1971)  
Firearms Ordinance 1973 (No. 56 of 1973)  
Firearms Ordinance 1974 (No. 43 of 1974)  
Firearms Ordinance (No. 2) 1974 (No. 48 of 1974)  
Firearms Ordinance 1975 (No. 21 of 1975)  
Firearms Ordinance (No. 2) 1975 (No. 105 of 1978)

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