

NORTHERN TERRITORY OF AUSTRALIA

FIREARMS AND WEAPONS CONTROL LEGISLATION AMENDMENT
ACT 2023

Act No. 32 of 2023

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 32 of 2023

An Act to amend the *Firearms Act 1997*, the *Firearms Regulations 1997*, the *Weapons Control Act 2001* and the *Weapons Control Regulations 2001*

[Assented to 6 December 2023]

[Introduced 28 November 2023]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Firearms and Weapons Control Legislation Amendment Act 2023*.

2 Commencement

- (1) This Act, other than Part 3, commences on the day after the day on which the Administrator's assent to this Act is declared.
- (2) Subject to subsection (3), Part 3 commences on the day fixed by the Administrator by *Gazette* notice.
- (3) If a provision of Part 3 does not commence before 27 November 2025, it commences on that day.

Part 2 Amendment of Firearms legislation

Division 1 Amendment of Firearms Act 1997

3 Act amended

This Division amends the *Firearms Act 1997*.

4 Section 3 amended (Interpretation)

(1) Section 3(1)

insert

ammunition retail permit means a permit authorising the holder, and employees of the holder, to possess, purchase and sell only ammunition of a category specified in the permit, as mentioned in section 31(1)(fe).

(2) Section 3(1), definition **representative**, paragraph (a)

omit, insert

(a) a firearms dealer licence, firearms corporate licence, firearms museum licence or firearms club licence – means the person nominated under section 9(3A)(a), (4)(a), (5)(a) or (6)(a); or

(ab) an ammunition retail permit – means the person nominated under section 32(4); or

(3) Section 3(1), at the end

insert

Note for subsection (1)

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

(4) Section 3(4)

omit

a partner or

insert

an

5 Section 4 amended (Exemptions)

(1) Section 4(3)

omit

all words from "do" to "firearm"

insert

and sections 58, 59 and 69 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 or ammunition

(2) Section 4(4), after "sections"

insert

46,

6 Section 9 amended (Application for licence)

(1) After section 9(3)

insert

(3A) An application for a firearms dealer licence must specify the following:

- (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;
- (b) the name and address of each person who is a close associate of the applicant;
- (c) particulars of the nature of the person's association with the applicant;
- (d) the name and address of each person who will:
 - (i) be responsible for the security of firearms possessed under the licence; or
 - (ii) have direct access to firearms possessed under the licence.

(2) Section 9(7)

omit

(3) After section 9(9)(b)

insert

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

(bb) specify particulars of the nature of the person's association with the applicant; and

7 Section 10 amended (General restrictions on grant of licence)

After section 10(6A)

insert

(6B) Subsection (3)(e) does not apply in relation to an application for a firearms instructor licence or firearms employee licence.

8 Section 10AB amended (Restriction on grant of firearms dealer licence)

Section 10AB, at the end

insert

Note for section 10AB

Section 10A sets out other restrictions on the grant of a firearms dealer licence.

9 Section 10A amended (General restrictions on grant of firearms corporate licence, firearms museum licence and firearms club licence)

(1) Section 10A, heading, after "**of**"

insert

firearms dealer licence,

(2) Section 10A, after "grant a"

insert

firearms dealer licence,

10 Section 11 amended (Genuine reason for licence)

Section 11(1)(a) and (b)

omit

and using

insert

or using

11 Section 14 amended (Period of licence)

(1) Section 14(1)(d)

omit

(2) After section 14(1)(g)

insert

(ga) a firearms employee licence remains in force for 5 years or the shorter period specified in the licence; and

12 Section 16B inserted

After section 16A

insert

16B Possession of firearms held under firearms dealer licence

The holder of a firearms dealer licence must not permit a person to possess a firearm held under the licence unless:

- (a) the person is an employee of the holder and holds a firearms employee licence and the firearm is in the possession of the person for a purpose relating to the person's duties as an employee; or
- (b) the person is a prospective purchaser of the firearm and is under the immediate and continuous supervision of an employee of the holder.

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

13 Section 17 amended (Security measures required by dealer)

(1) Section 17(2)

omit

licence, a partner

insert

licence

(2) Section 17(3)

omit

partner or employee of the holder

insert

firearms employee licence

(3) Section 17(3)

omit

holder,

insert

holder of the firearms dealer licence,

14 Section 18 amended (Records and returns to be kept by dealers)

Section 18(2)

omit

dealer, record in the dealer's register

insert

holder or an employee of the holder, record in the holder's register

15 Sections 19 and 20 replaced

Sections 19 and 20

repeal, insert

19 Production of firearms

- (1) A police officer may require the holder of a firearms dealer licence or an employee of the holder to produce a firearm that is in the person's possession.
- (2) The person must comply with the requirement.

Maximum penalty: 20 penalty units or imprisonment for 6 months.
- (3) On production of a firearm, the police officer may inspect and test it.

16 Part 3, Division 8 repealed (Firearms employee licence)

Part 3, Division 8

repeal

17 Section 29A inserted

After section 29, in Part 3, Division 10

insert

29A Possession of firearms held under firearms museum licence

The holder of a firearms museum licence must not permit a person to possess a firearm held under the licence unless:

- (a) the person is:
 - (i) the holder of a firearms employee licence; and
 - (ii) an employee of the holder of the firearms museum licence; and
- (b) the firearm is in the possession of the person for a purpose relating to the person's duties as an employee.

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

18 Part 3, Division 13A inserted

After section 30C

insert

Division 13A Firearms employee licence

30CA Firearms employee licence

- (1) A firearms employee licence held by a person who is employed by the holder of a firearms dealer licence or firearms museum licence authorises the person to do anything that the person's employer is authorised to do under the employer's licence but only:
 - (a) in relation to firearms of a category specified in the firearms employee licence that are possessed by the person's employer; and
 - (b) for a purpose relating to the person's duties as an employee.
- (2) A firearms employee licence held by a person who is employed by the holder of a firearms corporate licence authorises the person to possess and use firearms but only:
 - (a) firearms of a category specified in the firearms employee licence that are possessed by the person's employer; and
 - (b) for a purpose relating to the person's duties as an employee.
- (3) If the holder of a firearms employee licence ceases to be employed by the holder of the firearms dealer licence, firearms corporate licence or firearms museum licence specified in the firearms employee licence, the firearms employee licence immediately expires.

19 Section 31 amended (Grant of permits)

After section 31(1)(fd)

insert

- (fe) to authorise the holder, and employees of the holder, to possess, purchase and sell only ammunition of a category specified in the permit;

20 Section 32 amended (Application for permit)

After section 32(3)

insert

- (4) An application for an ammunition retail permit must, if the applicant is a body corporate, specify the name of the person (who must be an employee of the applicant) who will be the representative of the holder of the permit in respect of activities conducted under the permit.

21 Section 33 amended (General restrictions on granting permits)

After section 33(3B)

insert

- (3C) The Commissioner may refuse to grant an ammunition retail permit if, in respect of the particular application the Commissioner is not satisfied the representative would be granted a permit under this section if the representative were to apply for a permit.

22 Section 34 amended (General provisions relating to permits)

Section 34(5) and (6), after "firearm"

insert

or ammunition

23 Section 40 amended (Revocation of licence, permit or registration)

Section 40(3)(k)

omit

is no longer an employee of the holder of the firearms corporate licence or

24 Section 69 amended (Possession of ammunition)

After section 69(1)(a)

insert

- (ab) is authorised by an ammunition retail permit to possess the ammunition; or

25 Section 91A amended (Notice of change of representative of certain licence and permit holders)

(1) Section 91A(1)

omit, insert

(1) Subsection (1A) applies to the holder of any of the following licences or permits if a person ceases to be the representative for the licence or permit:

- (a) a firearms dealer licence;
- (b) a firearms corporate licence;
- (c) a firearms museum licence;
- (d) a firearms club licence;
- (e) a paintball operator licence or permit;
- (f) an ammunition retail permit.

(2) Section 91A(2), after "a licence"

insert

or permit

(3) Section 91A(2)(a)

omit

firearms corporate licence

insert

a firearms dealer licence, firearms corporate licence or ammunition retail permit

(4) Section 91A(2)(b), after "respect of"

insert

a

26 Section 102 amended (Disclosure of information by Commissioner in certain circumstances)

Section 102(2A)

omit

firearms corporate licence

insert

firearms dealer licence, firearms corporate licence or firearms museum licence

27 Section 106 amended (Service of notices and documents)

Section 106(2)

omit

firearms corporate licence

insert

firearms dealer licence, firearms corporate licence or firearms museum licence

28 Section 107A amended (Offences by representatives of licence and permit holders)

Section 107A

omit

corporate licence, firearms museum licence or firearms club licence

insert

dealer licence, firearms corporate licence, firearms museum licence, firearms club licence or ammunition retail permit

Division 2 Amendment of Firearms Regulations 1997

29 Regulations amended

This Division amends the *Firearms Regulations 1997*.

30 Regulation 8 amended (Requirements relating to animal welfare)

(1) Regulation 8, heading

omit

welfare

insert

protection

(2) Regulation 8

omit

welfare must

insert

protection must

31 Regulation 11A amended (Requirements relating to instruction in firearms use and safety)

Regulation 11A

omit

all words after "safety"

insert

must:

(a) have successfully completed a course in instructional techniques that is delivered by a registered training organisation (**RTO**) as defined in section 3 of the *National Vocational Education and Training Regulator Act 2011* (Cth); and

(b) either:

(i) have successfully completed a course for firearms instructors that is delivered by an RTO; or

(ii) possess the relevant skills, experience or qualifications to make the applicant suitable to deliver firearms use and safety training.

32 Regulation 12 amended (Restrictions on granting licences for category C firearms)

Regulation 12(1)(a)

omit, insert

- (a) the genuine reason for possessing or using the firearms established by the applicant for the licence is any of the following:
- (i) sports shooting;
 - (ii) primary production;
 - (iii) vertebrate pest animal control;
 - (iv) business or employment;
 - (v) occupational requirements;
 - (vi) animal protection;
 - (vii) firearms collection;
 - (viii) museum display;
 - (ix) instruction in firearms use and safety;
 - (x) paintball operator or employee; and

33 Regulation 13 amended (Restrictions on granting licences for category D firearms)

Regulation 13(1)(a)

omit, insert

- (a) the genuine reason for possessing or using the firearms established by the applicant for the licence is any of the following:
- (i) primary production;
 - (ii) vertebrate pest animal control;
 - (iii) business or employment;
 - (iv) occupational requirements;
 - (v) firearms collection;

- (vi) museum display;
- (vii) instruction in firearms use and safety; and

34 Regulation 14 amended (Restrictions on granting licences for category H firearms)

Regulation 14(1)(a)

omit, insert

- (a) the genuine reason for possessing or using the firearms established by the applicant for the licence is any of the following:
 - (i) sports shooting;
 - (ii) business or employment;
 - (iii) occupational requirements;
 - (iv) firearms collection;
 - (v) museum display;
 - (vi) inheritance;
 - (vii) instruction in firearms use and safety; and

35 Regulation 37 amended (Prescribed category H sports shooting disciplines)

After regulation 37(a)

insert

- (ab) International Confederation of Revolver Enthusiasts (ICORE);

36 Schedule 3 amended (Storage and safekeeping requirements for category C, D and H firearms)

Schedule 3, items 4 and 5(b)

omit

2 locks.

insert

2 locking bolts operated by one or more locks.

Part 3 Amendment of Weapons Control legislation

Division 1 Amendment of Weapons Control Act 2001

37 Act amended

This Division amends the *Weapons Control Act 2001*.

38 Section 3 amended (Definitions)

Section 3

insert

criminal intelligence, see section 6 of the *Serious Crime Control Act 2009*.

disqualifying offence, see section 3(1) of the *Firearms Act 1997*.

interim domestic violence order, means an interim DVO as defined in section 4 of the *Domestic and Family Violence Act 2007*.

interim personal violence restraining order, see section 3 of the *Personal Violence Restraining Orders Act 2016*.

offence of violence, see section 3(1) of the *Firearms Act 1997*.

39 Section 5 amended (Delegation)

(1) Section 5

omit

The

insert

(1) Subject to subsection (2), the

(2) Section 5

omit

his or her

insert

the Commissioner's

(3) Section 5, at the end

insert

(2) The Commissioner's functions under sections 15(2B) and 18G(1) cannot be delegated.

40 Section 10 amended (Authority to purchase required for each purchase of prohibited weapon or body armour)

(1) Section 10, heading

omit, insert

10 Authority to purchase prohibited weapons or body armour

(2) Section 10(1)

omit, insert

(1) A person must not purchase a prohibited weapon or body armour unless the person is:

(a) the holder of a specific purchase authority granted under this section permitting the person to purchase the prohibited weapon or body armour; or

(b) a prescribed person exempted under section 12(2) from the application of sections 6 and 9, or the employer of that person, and is purchasing the prohibited weapon or body armour for use by the prescribed person in the course of that person's duties; or

(c) exempted under section 12(5) from the application of section 6, or the employer of that person, in relation to the purchase of the prohibited weapon; or

(d) exempted under section 12(6) from the application of section 9, or the employer of that person, in relation to the purchase of the body armour.

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

(3) Section 10(2), after "each"

insert

type of

(4) Section 10(7) and (8)

omit, insert

- (7) A specific purchase authority must specify the type and quantity of prohibited weapons or body armour the holder is permitted to purchase under the authority.
- (8) The Commissioner must not grant a specific purchase authority to a person in relation to a prohibited weapon or body armour unless the person holds an approval to purchase and possess a prohibited weapon or body armour of the type to which the authority relates.

(5) Section 10(9)(a)

omit, insert

- (a) suspects on reasonable grounds that the person has, in the application for the authority, failed to supply material information or has supplied information that is false or misleading; or

(6) After section 10(9)

insert

- (10) A specific purchase authority is valid for a period of 3 months from the date it is granted.
- (11) The Commissioner may, by written notice, revoke a specific purchase authority.
- (12) If a specific purchase authority is revoked under subsection (11), the person who was the holder of the authority must immediately surrender the revoked authority to a police officer.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

41 Section 11 amended (Sales of prohibited weapons and body armour)

Section 11(1)(b) and (c)

omit, insert

- (b) in the case of a specific purchase authority:
 - (i) the purchaser gives the seller a specific purchase authority authorising the purchaser to purchase the prohibited weapon or the body armour; and

- (ii) the seller is satisfied on reasonable grounds that the purchaser is a person to whom the specific purchase authority relates.

42 Section 12 amended (Exemptions for prohibited weapons and body armour)

After section 12(3)

insert

- (3A) Sections 6 and 9 do not apply to a person who is undertaking a course of training in the use of a prohibited weapon or body armour for the purpose of becoming a prescribed person or a person exempt under subsection (5) or (6).
- (3B) Sections 6(e) and 9(d) do not apply to a person who is undertaking a course of training in the use of a prohibited weapon or body armour, that is:
 - (a) approved by the Commissioner; and
 - (b) conducted by and under the direction of an instructor approved by the Commissioner.

43 Section 13 amended (Person may apply for approval in relation to prohibited weapons and body armour)

- (1) Section 13(2)(d)(i)

omit, insert

- (i) a recent photograph of the applicant or, in the case of a body corporate, the representative of the applicant; or

- (2) After section 13(2)

insert

- (2A) For an application for approval under this section to possess and use a prohibited weapon prescribed by regulation for this section:
 - (a) the applicant must be a person prescribed by regulation; and
 - (b) the application must include evidence that the applicant completed a course of training, approved by the Commissioner, in the use of the prohibited weapon; and

(c) if the applicant is a body corporate – the applicant must nominate an employee of the applicant, who would be eligible to be granted an approval, to be the representative of the applicant.

(3) Section 13(4)

omit

applicant for

insert

applicant, or the representative of the applicant, for

(4) Section 13(5)

omit, insert

(5) A person must not permit a photograph to be taken for inclusion on an approval unless the photograph is of the applicant, or the representative of the applicant, for the approval.

Maximum penalty: 100 penalty units.

44 Section 14 amended (Approvals in relation to prohibited weapons and body armour)

After section 14(2)

insert

(2A) Subject to this Act, an approval expires 3 months after the holder of the approval ceases to reside permanently in the Territory, except in relation to an approval to provide training in the use of a prohibited weapon or body armour.

(2B) An approval is not renewable and a new application must be made for the grant of a new approval as required.

45 Section 15 amended (Refusal of approvals)

(1) Section 15(2)(a) and (b)

omit

within the meaning of the *Firearms Act 1997*

- (2) After section 15(2)
- insert*
- (2A) Without limiting subsection (2), the Commissioner must not grant an approval to a person who:
- (a) was found guilty of an offence against this Act or the *Firearms Act 1997* within 2 years prior to the day of the application; or
 - (b) was sentenced to custody following being found guilty of an offence against this Act or the *Firearms Act 1997* and less than 5 years have elapsed since the later of the following:
 - (i) the day the person was released from custody;
 - (ii) the day the person was found guilty of the offence.
- (2B) Without limiting subsections (2) and (2A), the Commissioner must not grant an approval if the Commissioner is of the opinion, having regard to any criminal intelligence or other information the Commissioner holds about the applicant, that:
- (a) the applicant is a risk to public safety; and
 - (b) the holding of the approval by the applicant would be contrary to the public interest.
- (2C) The Commissioner is not, under this or any other Act or law, required to give reasons for refusing an approval on the grounds mentioned in subsection (2B).
- (2D) Without limiting subsections (2), (2A) and (2B), the Commissioner must not grant an approval in relation to a prohibited weapon or body armour if the Commissioner believes on reasonable grounds that the applicant may not personally exercise continuous and responsible control over the prohibited weapon or body armour because of:
- (a) the applicant's way of living or domestic circumstances; or
 - (b) any attempt by the applicant to commit suicide or cause a self-inflicted injury; or
 - (c) the applicant having intemperate habits or being of unsound mind.

(3) Section 15(3)(b)

omit

not, having regard to the person's history of violence or mental state,

insert

not

(4) Section 15(4)

omit

46 Section 16 replaced

Section 16

repeal, insert

16 Conditions of approvals

- (1) An approval is subject to the following conditions:
- (a) the holder must store the prohibited weapon or body armour in respect of which the approval was granted safely and securely in accordance with the requirements prescribed by regulation;
 - (b) the holder must not permit any other person to possess or use the prohibited weapon or body armour in respect of which the approval was granted if that other person does not have an approval or exemption to possess or use it;
 - (c) the holder must permit a police officer to inspect, at any reasonable time, the holder's facilities for the safe and secure storage of any prohibited weapon or body armour in respect of which the approval was granted in the holder's possession;
 - (d) any other condition imposed by this Act or prescribed by regulation;
 - (e) any conditions specified by the Commissioner on the approval.
- (2) An approval is not transferable.

47 Section 18 amended (Review of decisions under this Part)

- (1) Section 18, heading
omit
under this Part
- (2) Section 18(1)
omit
of this Act
insert
or Part 3A
- (3) Section 18(6)(a)
omit
his or her application
insert
the application
- (4) Section 18(6) to (7)
omit
his or her decision
insert
the Commissioner's decision
- (5) Section 18(8)
omit

48 Sections 18A to 18C and Part 3A inserted

After section 18, in Part 3

insert

18A Matters to be notified

- (1) The holder of an approval must, if there is a change to the holder's name or address, notify the Commissioner, in writing, not later than 10 business days after the change.

Maximum penalty: 10 penalty units or imprisonment for 3 months.

- (2) The holder of an approval must, by written notice, notify the Commissioner of the loss or theft of a prohibited weapon or body armour in respect of which the approval was granted not later than 2 business days after becoming aware of the loss or theft.

Maximum penalty: 50 penalty units or imprisonment for 12 months.

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

Maximum penalty: 10 penalty units or imprisonment for 3 months.

- (4) If an approval is lost or stolen, the holder must notify the Commissioner, in writing, not later than 2 business days after becoming aware of the loss or theft.

Maximum penalty: 5 penalty units or imprisonment for 14 days.

18B Possession and production of approvals

- (1) The holder of an approval must, when in possession of a prohibited weapon or body armour in respect of which the approval was granted:

- (a) carry the approval; and
(b) when requested by a police officer, produce the approval for inspection by the officer.

Maximum penalty: 17 penalty units or imprisonment for 6 months.

- (2) When requested by a police officer, the holder of an approval who is in possession of a prohibited weapon or body armour in respect of which the approval was granted must produce the approval to a police officer not later than the time, and at the place, that the police officer specifies.

Maximum penalty: 17 penalty units or imprisonment for 6 months.

18C Police may require production of prohibited weapon or body armour

- (1) A police officer may, by written notice, require the holder of an approval to produce the prohibited weapon or body armour in respect of which the approval was granted at a time and place specified in the notice for the purpose of inspecting the prohibited weapon or body armour to determine whether or not it complies with, and is held in compliance with, this Act.

- (2) A person must comply with the requirement of a notice under subsection (1).

Maximum penalty: 100 penalty units or imprisonment for 12 months.

- (3) It is a defence to a prosecution for an offence against subsection (2) if the defendant:

- (a) did not reasonably know the whereabouts of the prohibited weapon or body armour; or
- (b) was otherwise unable to reasonably comply with the requirement to produce the prohibited weapon or body armour.

- (4) All approvals held by the person specified in a notice under subsection (1) are automatically suspended from the day specified in the notice to produce the prohibited weapon or body armour until 28 days after the later of the following:

- (a) the day on which the prohibited weapon or body armour is produced;
- (b) the day on which the person provides information to the satisfaction of the Commissioner as to why the prohibited weapon or body armour was not produced as required.

- (5) The Commissioner may reduce the period of suspension mentioned in subsection (4) if the Commissioner considers the circumstances warrant it.

- (6) All approvals held by a person specified in a notice under subsection (1) are automatically revoked if the person has not, within 28 days after the day specified in the notice:
- (a) complied with the requirement; or
 - (b) satisfied the Commissioner as to why the requirement was not complied with.

Part 3A Suspension and revocation of approval

18D Suspension of approval

- (1) The Commissioner may, by written notice, suspend an approval if satisfied there may be reasonable grounds for revoking the approval.
- (2) An approval is suspended for the period, not longer than 28 days, specified in the notice.
- (3) The holder of an approval suspended under subsection (1) is not authorised to possess or use any prohibited weapon or body armour in respect of which the approval was granted during the period of the suspension.
- (4) If an approval is suspended by the Commissioner under subsection (1), the holder of the approval must immediately surrender to a police officer:
- (a) the suspended approval; and
 - (b) any prohibited weapon or body armour in respect of which the approval was granted.

Maximum penalty: 50 penalty units or imprisonment for
 6 months.

18E Suspension on making of interim domestic violence order or interim personal violence restraining order

- (1) An approval is automatically suspended on the making of an interim domestic violence order or interim personal violence restraining order against the holder of the approval and the suspension remains in force until the order is confirmed, replaced or revoked.

(2) If an approval is automatically suspended under subsection (1), the holder of the approval must immediately surrender to a police officer:

- (a) the suspended approval; and
- (b) any prohibited weapon or body armour in respect of which the approval was granted.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

18F Revocation of approval

(1) An approval is automatically revoked:

- (a) on a final domestic violence order, a personal violence restraining order or an order to keep the peace being made against the holder of the approval; or
- (b) on the holder being found guilty of a disqualifying offence, an offence of violence or an offence against this Act or the *Firearms Act 1997*.

(2) If an approval is revoked automatically under subsection (1), the person who was the holder must immediately surrender to a police officer:

- (a) the revoked approval; and
- (b) any prohibited weapon or body armour in respect of which the approval was granted.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(3) The Commissioner must, by written notice, revoke an approval if satisfied that:

- (a) the holder fails to comply with a condition of the approval imposed under this Act or prescribed by regulation; or
- (b) the loss or theft of any prohibited weapon or body armour possessed under the approval, was due to the negligence or fraud of the holder.

Note for subsection (3)

The Commissioner is also required to revoke an approval in the circumstances mentioned in section 18G.

- (4) The Commissioner may, by written notice, revoke an approval if:
- (a) the holder would be refused an approval of the same type; or
 - (b) the holder supplied information that was false or misleading in a material particular in connection with the application for the approval; or
 - (c) the holder is found guilty of an offence against a law in force in the Territory, a State or another Territory, (whether committed before or after the grant of the approval) relating to a prohibited weapon or body armour or any other offence that, in the opinion of the Commissioner, would render the holder not a fit and proper person to possess or use a prohibited weapon or body armour; or
 - (d) the holder contravenes a condition of the approval; or
 - (e) the Commissioner is of the opinion that the holder is no longer a fit and proper person to hold the approval.
- (5) The revocation of an approval under subsection (3) or (4) takes effect when notice is served on the holder or on a later date specified in the notice, whether or not an application is lodged for review of the decision to revoke the approval.
- (6) If an approval is revoked by the Commissioner under subsection (3) or (4), the person who was the holder must surrender:
- (a) the revoked approval to a police officer immediately; and
 - (b) any prohibited weapon or body armour in respect of which the approval was granted to a police officer either:
 - (i) immediately after receiving the notice under subsection (3) or (4); or
 - (ii) if the notice allows the person time to surrender the prohibited weapon or body armour to a police officer – within the time allowed in the notice.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

- (7) In this section:

domestic violence order, see section 4 of the *Domestic and Family Violence Act 2007*.

final domestic violence order means:

- (a) a domestic violence order other than an interim domestic violence order; or
- (b) a registered external order.

personal violence restraining order means:

- (a) a personal violence restraining order made under the *Personal Violence Restraining Orders Act 2016*; or
- (b) a similar order made in a State or another Territory.

registered external order, means an external order as defined in section 4 of the *Domestic and Family Violence Act 2007*, that is registered, as defined in section 4 of that Act.

18G Revocation on basis of criminal intelligence

- (1) The Commissioner must, by written notice, revoke an approval if the Commissioner is of the opinion, having regard to any criminal intelligence or other information the Commissioner holds about the holder of the approval that:
 - (a) the holder is a risk to public safety; and
 - (b) the holding of the approval 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 an approval on the grounds mentioned in subsection (1).
- (3) If an approval is revoked by the Commissioner under subsection (1), the person who was the holder must surrender:
 - (a) the revoked approval to a police officer immediately; and
 - (b) any prohibited weapon or body armour in respect of which the approval was granted to a police officer either:
 - (i) immediately after receiving the notice under subsection (1); or
 - (ii) if the notice allows the person time to surrender the prohibited weapon or body armour to a police officer – within the time allowed in the notice.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

18H Notice of suspension or revocation

- (1) If an approval is suspended or revoked under a provision of this Act, other than section 18G, the Commissioner must cause written notice of the suspension or revocation to be served personally on the holder of the approval.
- (2) The notice mentioned in subsection (1) must:
 - (a) state that the approval is suspended or revoked and the reasons for suspending or revoking it; and
 - (b) in the case of a suspension – request the holder to provide the Commissioner with reasons why the approval should not be suspended; and
 - (c) in the case of a revocation – specify the time when the prohibited weapon or body armour in respect of which the approval was granted must be surrendered.

18J Seizure

At the time of serving a notice suspending or revoking an approval under a provision of this Act or after an automatic revocation under section 18F(1), a police officer 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 prohibited weapon or body armour in the possession of the holder of the approval that was suspended or revoked.

18K Voluntary surrender of approval

- (1) The holder of an approval may, by written notice to the Commissioner, surrender the approval.
- (2) The holder must include with the notice under subsection (1):
 - (a) the approval; or
 - (b) a statutory declaration setting out the reasons why the approval is not accompanying the notice.
- (3) Immediately after giving a notice under subsection (1), the holder must surrender any prohibited weapon or body armour possessed under the approval.
- (4) The surrender of an approval under subsection (1) takes effect when the notice is received by the Commissioner.

- (5) After an approval is surrendered under subsection (1), a police officer may, without a warrant and using the force that is necessary and with any necessary assistance, enter premises, a vessel, a vehicle, an aircraft or any other place to search for and seize any prohibited weapon or body armour in the possession of the holder of the approval that was surrendered.

18L Suspension by police officer

- (1) A police officer in charge of a police station or of or above the rank of Senior Sergeant may, by written notice served on the holder of an approval, suspend the approval if:
- (a) the holder requests the suspension; or
 - (b) the holder is charged with an offence against a law in force in the Territory, a State or another Territory relating to a prohibited weapon or body armour in respect of which the approval was granted (or any other offence that, in the opinion of the Commissioner would, if the holder is found guilty, render the holder not a fit and proper person to possess or use a prohibited weapon or body armour) and is awaiting the hearing of the charge; or
 - (c) the police officer believes on reasonable grounds that the holder is suffering from a physical or mental infirmity or incapacity and, as a result of possessing the prohibited weapon or body armour in respect of which the approval was granted, may be a danger to the safety of the holder or to another person, or to property; or
 - (d) the police officer receives a report under section 23B; or
 - (e) the police officer believes on reasonable grounds that the holder made a statement that is false or misleading in a material particular in the application for the approval; or
 - (f) the police officer suspects on reasonable grounds that a condition of the approval was contravened.
- (2) The suspension under subsection (1) may be for a specified period or until conditions specified in the notice are complied with.
- (3) The holder of the approval must, immediately after receiving a notice under subsection (1) or (2), or not later than the period specified in the notice, surrender to a police officer:
- (a) the approval; and

- (b) any prohibited weapon or body armour to which the approval relates.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

- (4) If the holder does not comply with the notice, a police officer may, without a warrant:
 - (a) enter any place where the officer believes on reasonable grounds any prohibited weapon or body armour to which the approval relates may be found; and
 - (b) search the place and seize any prohibited weapon or body armour.
- (5) The police officer may exercise the powers in subsection (4) with the assistance, and using the force, that is reasonably necessary in the circumstances.

18M Restriction on further approvals

- (1) If the Commissioner refuses to grant or revokes an approval, the applicant or the holder may not apply for a further approval:
 - (a) until any conditions specified in the notice of refusal or revocation are met; or
 - (b) during the period specified in the notice.
- (2) A person must, immediately after receiving a notice under subsection (1) or not later than the period specified in the notice, surrender to a police officer:
 - (a) the approval; and
 - (b) any prohibited weapon or body armour to which the approval relates.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

49 Sections 23A to 23E inserted

After section 23

insert

23A Immunity

- (1) The Commissioner and police officers are not civilly liable for an act done or omitted to be done by them in good faith in the exercise of a power or performance of a function under this Act.
- (2) The Commissioner and police officers are not criminally responsible for an offence against this Act or the Criminal Code if:
 - (a) the Commissioner or police officer is, at the time of the offence, exercising a power or performing a function under this Act; and
 - (b) the conduct is reasonable in the circumstances for exercising that power or performing that function.
- (3) Subsections (1) and (2) do not affect any liability the Territory would, apart from those subsections, have for the act or omission.
- (4) In this section:

exercise of a power includes the purported exercise of the power.

performance of a function includes the purported performance of the function.

23B 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 possess or use a prohibited weapon or body armour must report to a police officer 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) In this section:

health practitioner means a person registered under the Health Practitioner Regulation National Law to practise in a health profession, other than as:

- (a) a diagnostic radiographer in the diagnostic radiographer division of the medical radiation practice profession; or
- (b) a student.

23C Disclosure of information

- (1) If the Commissioner or a court suspends or revokes an approval granted in relation to (or conditional on) the employment of the holder of the approval, the Commissioner must inform the relevant employer of the holder of the suspension or revocation.
- (2) No civil or criminal liability arises from the provision of information under this section.

23D Approved training

The Commissioner may approve training courses and instructors for training related to prohibited weapons and body armour.

23E No review

Despite any other law of the Territory, in relation to a decision of the Commissioner under section 15(2B) or 18G(1):

- (a) no person or body is entitled to investigate, inquire into, review or otherwise call into question the decision; 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 the decision.

50 Part 6 inserted

After section 25

insert

Part 6 Transitional matters for Firearms and Weapons Control Legislation Amendment Act 2023

26 Conditions of existing approvals

- (1) An approval that is in force immediately before the commencement is subject to the conditions mentioned in section 16 as inserted by the amending Act.
- (2) In this section:

amending Act means *Firearms and Weapons Control Legislation Amendment Act 2023*.

commencement means the commencement of Part 3 of the amending Act.

Division 2 Amendment of Weapons Control Regulations 2001

51 Regulations amended

This Division amends the *Weapons Control Regulations 2001*.

52 Regulation 3A inserted

After regulation 3

insert

3A Applications under section 13(2A) of Act

- (1) For section 13(2A) of the Act:
 - (a) the prohibited weapons specified in Schedule 2, items 17 and 18 are prescribed; and
 - (b) the following persons are prescribed:
 - (i) a crowd controller who:
 - (A) is applying for an approval for the purpose of performing the functions of a crowd controller at premises licensed under the *Liquor Act 2019* with a

takeaway authority under section 47(1)(e) of that Act; and

(B) will be performing those functions only in a part of those premises where liquor is only sold for consumption off those premises;

(ii) a security firm that is applying for an approval for the purpose of supplying the services of crowd controllers in the circumstances mentioned in subparagraph (i);

(iii) a person applying for an approval for the purpose of providing instruction in the use of a prohibited weapon specified in Schedule 2, item 17 or 18.

(2) In this regulation:

crowd controller, see section 5 of the *Private Security Act 1995*.

security firm, see section 7 of the *Private Security Act 1995*.

53 Regulation 6 replaced

Regulation 6

repeal, insert

6 Safe and secure storage requirements

(1) For section 16(1)(a) of the Act, a prohibited weapon or body armour is stored safely and securely if:

(a) for a prohibited weapon specified in Schedule 2, item 17 or 18 – when the weapon is not being used or carried, it is stored in a locked receptacle that:

(i) complies with the requirements specified in Schedule 2A; and

(ii) if the receptacle weighs less than 150 kg when empty – is fixed to a wall or floor in a manner that prevents its easy removal; or

(b) otherwise – all reasonable precautions are taken to ensure that:

(i) it is not stolen or lost; and

(ii) it does not come into the possession of a person who is not authorised to possess it.

- (2) Subregulation (1)(a) does not apply in relation to a prohibited weapon if the person in possession of the weapon satisfies the Commissioner that the person has alternative arrangements for the safe and secure storage of the weapon that are of a standard not less than the requirements under that paragraph.

54 Schedule 2A inserted

After Schedule 2

insert

Schedule 2A Requirements for locked receptacle

regulation 6(1)(a)(i)

- 1 The sides and door must be constructed of solid steel that has:
 - (a) a minimum thickness of 3 mm; or
 - (b) a minimum thickness of 2 mm if the method of construction used ensures rigidity or additional reinforcing to prevent distortion has been included.
- 2 All edges must be rolled or folded.
- 3 The door must be recessed or flush fitted and is to be sized to prevent leverage points.
- 4 All hinges must be secured so that the door cannot be detached by removing the pins.

Example for item 4
Internal or trap-type hinges.
- 5 There must be at least 2 bolt-down points.
- 6 There must be at least one locking point.
- 7 There must be sufficient reinforcing to prevent distortion of the door if a forced entry were to be attempted.
- 8 If a padlock is used, it must be covered to prevent the lock being cut or broken off.

55 Schedule 4 amended (Information required to be provided)

Schedule 4, item 6

omit

Serial

insert

If applicable – serial

Part 4 Repeal of Act

56 Repeal of Act

This Act is repealed on the day after it commences.