

NORTHERN TERRITORY OF AUSTRALIA

FIREARMS BILL 1992

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## NORTHERN TERRITORY OF AUSTRALIA

# A BILL for AN ACT

relating to firearms

**B**E 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 1 - PRELIMINARY

#### 1. SHORT TITLE

This Act may be cited as the *Firearms Act 1992*.

#### 2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 3. INTERPRETATION

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

"antique firearm" means a firearm, other than a black powder 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 or her business;

"certificate of registration", in relation to a firearm, means a certificate granted under section 11;

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"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 specified in a notice under section 24 to be a collector's piece;

"Commissioner" means the Commissioner of Police;

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

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

"dealer" means a person who deals in firearms;

"determined fee" means a fee determined under section 6;

"disqualifying offence", means any offence in which a firearm is implicated involving the use of force which, in the Territory or other jurisdiction in which it was committed, attracts a maximum penalty of imprisonment for 7 years, or more, whether or not the person committing it was actually sentenced to imprisonment for such a period;

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

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

"firearm class A" means a firearm that is -

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

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

"firearm class C" means a pistol, other than a pistol that is a firearm class D;

"firearm class D" means a firearm that is -

- (a) less than 70 cm long and is capable of being concealed on or about the person;
- (b) is a self-loading centrefire rifle, other than one declared under section 9 by the Commissioner to be a firearm class B;
- (c) capable of discharging drugs or tranquillizers;
- (d) is constructed primarily as an anti-personnel weapon (including a firearm of a military pattern that is self-loading or semi-automatic); or
- (e) declared under section 9 to be a firearm class D;

"firearms club" means an approved shooting union, association or club, however described, comprised of shooters, hunters or collectors;

"holder", in relation to a certificate of registration, licence or permit, means a person to or in relation to whom it is granted;

"land" includes land covered by water and the water covering the land;

"licence" means a licence issued under Part 3 or 4 and includes a renewal of a licence;

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"licensed shooter" means the holder of -

- (a) a licence for the relevant type of firearm;
- (b) an employee's licence; or
- (c) a temporary permit;

"machine-gun" means a firearm (including a pistol) that 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;

"permit" means a purchase permit or temporary permit granted under section 11;

"pistol" means a firearm that is -

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

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

"premises" includes buildings and land;

"purchase permit" means a permit granted for the purpose of its holder acquiring a firearm class C or a firearm class D;

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

"registered" means registered under this Act;

"sale", in relation to a firearm, includes its transfer or disposal to another person otherwise than for valuable consideration;

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

"Tribunal" means the Firearms Appeal Tribunal established under section 40.



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

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

(4) For the purposes of this Act -

- (a) a firearm is registered if there is a certificate of registration in force in relation to it;
- (b) a person is licensed if he or she is the holder of a current licence; and
- (c) a person who is the holder of a temporary permit shall be deemed to be licensed.

### 4. EXEMPTIONS

- (1) This Act does not apply to or in relation to -
  - (a) a person who is a member of the Defence Force referred to in Division 1 of Part 3 of the *Defence Act 1903* of the Commonwealth who is using a weapon that is the property of the Force for purposes concerned with the Force;
  - (b) a rifle club established in accordance with the Australian Rifle Club Regulations made under the *Defence Act 1903* of the Commonwealth; or
  - (c) a firearm that -
    - (i) is an explosive-powered tool within the meaning of the *Construction Safety Act*;
    - (ii) is an antique firearm;
    - (iii) is a spear-gun;
    - (iv) is a pistol designed to be used for life-saving, rescuing or distress signal purposes; or
    - (v) has been deactivated and has been certified under section 9(3) as being permanently incapable of use as a firearm.

(2) A firearm acquired by or held in an approved museum shall be registered and securely stored but the provisions of this Act relating to a licence or permit do not apply to or in relation to the governing body of the museum.

(3) Parts 3 and 4 do not apply to or in relation to a person who is a common carrier in respect of the person's possession of a firearm that -

- (a) is not the person's property; and
- (b) forms part of a consignment of goods in the person's possession as a common carrier.

(4) Part 4 and sections 58, 59, 60, 61, 62 and 63 do not apply to or in relation to a member of the Police Force of the Territory or of the police force of the Commonwealth or a State or another Territory of the Commonwealth, or to an officer within the meaning of the *Prisons (Correctional Services) Act*, in respect of his or her possession or use of a firearm in the course of his or her duty as such a member or officer.

(5) The Commissioner may, by notice in writing, declare that such provisions of this Act as the Commissioner thinks fit and specifies in the notice do not apply, or apply in accordance with such conditions as are specified in the notice -

- (a) to certain persons in relation to their activities at a shooting gallery, amusement parlour or similar place; or
- (b) in relation to firearms amnesties generally or periods specified in the notice as amnesty periods,

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

## PART 2 - ADMINISTRATION

### 5. DELEGATION

(1) The Commissioner may, by instrument in writing, delegate to a member of the Police Force or to an employee within the meaning of the *Public Service Act* any of the Commissioner's powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall be deemed to have been exercised or performed by the Commissioner.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Commissioner.

6. DETERMINATION OF FEES

(1) The Minister may, by notice in the *Gazette*, determine the duration of, and the fees for, certificates of registration, licences or permits or any other matter or thing under this Act.

(2) A notice under subsection (1) shall specify in relation to a fee -

- (a) the duration of a certificate of registration, licence or permit;
- (b) the class of firearm; and
- (c) the type of licence or permit that may be issued.

7. WAIVING OF FEES

The Commissioner may, in such circumstances as the Commissioner thinks fit, waive or reduce, in relation to a matter or thing or a class of matters or things, a determined fee.

8. REGISTER

(1) The Commissioner shall cause to be kept in a register a record of firearms registered, and licences and permits issued, under this Act.

(2) The register shall contain approved particulars and may be kept -

- (a) in such form or combination of forms;
- (b) on such medium or combination of mediums; and
- (c) in such manner,

as the Commissioner thinks fit, and for the purposes of paragraph (b), a reference to a medium includes, but is not limited to -

- (d) a computer;
- (e) micro film; or
- (f) paper.

9. DECLARATIONS, &c., BY COMMISSIONER

(1) The Commissioner may, by notice in the *Gazette*, declare -

- (a) a firearm to be a firearm class D or a class of firearm to be a class of firearm class D;
- (b) a firearm that would otherwise be a firearm class D to be a firearm class B; or
- (c) a firearm or a class of firearm to be a firearm or a class of firearm that is exempt from the operation of this Act,

and this Act applies accordingly.

(2) The notice referred to in subsection (1) may specify a firearm or a class of firearm by reference to particulars of the firearm or of the class of firearm that may include the calibre, mechanism, manufacturer, magazine capacity, fixture attached to a firearm or other particulars by which a firearm or a class of firearm may be identified.

(3) The Commissioner may, on application by a person in possession of a firearm and after examination of the firearm, by notice in writing given to the person, certify that the firearm is permanently incapable of use as a firearm.

PART 3 - APPLICATIONS, CERTIFICATES  
OF REGISTRATION, LICENCES, &c.

10. APPLICATIONS

(1) Subject to subsection (2), (3) and (4) and section 36, a person domiciled in the Territory (or in the case of an application for a temporary permit, a person who is not domiciled in the Territory) may apply to the Commissioner for -

- (a) a certificate of registration of a firearm;
- (b) a licence or permit in relation to a firearm or a class of firearms;
- (c) a dealer's licence, an armourer's licence or a collector's licence; or
- (d) an authorisation to discharge, and carry for the purposes of discharging, a collector's piece.

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(2) A person who has in the previous 10 years been convicted of a disqualifying offence or who has been held in custody in respect of such an offence shall not apply to the Commissioner for a certificate of registration, licence, permit or authorisation.

(3) A person who has been found guilty of an offence relating to a firearm shall not apply to the Commissioner for a certificate of registration, licence, permit or authorisation unless -

(a) in a case where, on the trial or hearing in relation to the offence -

(i) an order under section 4(1) of the *Criminal Law (Conditional Release of Offenders) Act* (or a provision of a law in force in the jurisdiction in which the offence was committed that, in the opinion of the Commissioner is of similar effect) has been made directing that the person be discharged on giving security in accordance with that subsection; or

(ii) a pecuniary penalty only has been imposed, not less than 12 months have elapsed since the person was found guilty of the offence;

(b) in the case where a custodial sentence was imposed, 2 years have elapsed since the applicant was found guilty of the offence or released from custody, whichever is the later; or

(c) 12 months have elapsed since the date of the refusal by the Commissioner to grant the certificate of registration, licence or permit on a previous application by or in relation to the person.

(4) A person may not apply to the Commissioner for a purchase permit in respect of a firearm class C or a firearm class D unless the person is the holder of a shooter's licence or collector's licence for a firearm of that class.

(5) A company may apply to the Commissioner for a corporate licence and an employee's licence.

(6) The Commissioner may require an applicant for a certificate of registration to deposit the firearm, the subject of the application, at the nearest police station for inspection.

(7) The Commissioner may require an applicant for the renewal of a collector's licence to make available for inspection by a member of the Police Force the collector's pieces in the possession of the applicant.

(8) An application shall be in accordance with an approved form and be accompanied by the relevant determined fee, if any.

(9) Where the applicant is applying for a purchase permit, the applicant shall produce for inspection his or her licence in relation to the class of firearms proposed to be purchased.

11. GRANT OF CERTIFICATES OF REGISTRATION, LICENCES, &c.

(1) Subject to this Part and sections 27, 28 and 80, the Commissioner may as soon as practicable after receiving an application under section 10, in his or her discretion -

(a) grant, subject to such conditions, if any, as the Commissioner thinks fit and endorses on the certificate of registration, licence, permit or authorisation; or

(b) notwithstanding section 12, refuse to grant, the certificate of registration, licence, permit or authorisation applied for.

(2) The Commissioner shall not grant a licence (other than a renewal of a licence) earlier than 28 days after the date of application for the licence.

12. REFUSAL TO GRANT CERTIFICATES OF REGISTRATION, LICENCES, &c.

(1) Subject to subsection (3), the Commissioner shall not grant a certificate of registration, licence or permit unless -

(a) in the case of a shooter's licence, but subject to subsection (3), the applicant (or where the shooter's licence applied for is an employee's licence, the applicant and the employee) -

(i) in the case of a fire class A, has attained the age of 16 years; and

(ii) in any other case, has attained the age of 18 years,

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and the Commissioner is satisfied that the person to or in respect of whom it is proposed to be granted -

- (iii) is a fit and proper person to possess or use a firearm;
  - (iv) has an adequate understanding of the safe handling and discharging of firearms;
  - (v) has an adequate understanding of the laws in force in the Territory relating to firearms; and
  - (vi) if the application relates to a firearm class C or a firearm class D, has sufficient reason to possess or use a firearm of that class;
- (b) in the case of a dealer's licence or an armourer's licence, the Commissioner is satisfied that the applicant, in addition to the requirements under paragraph (a) -
- (i) has adequate training and experience in the -
    - (A) repair, storage and safekeeping; or
    - (B) the safe handling and discharging, of firearms for the purpose of his or her business as a dealer or armourer; or
  - (ii) is, or on the issue of the certificate, licence or permit, will be, in charge of the premises -
    - (A) from which the business of dealing in firearms is to be carried on; or
    - (B) where firearms under the armourer's licence are to be kept,
- and that the premises and display cabinets, racks or other containers in which the firearms and ammunition for the firearms are to be kept are adequate for the safekeeping of the firearms and the ammunition; and
- (c) in the case of a collector's licence, or an authorisation referred to in section 10(1)(d), the Commissioner is satisfied that the applicant, in addition to the requirements under paragraph (a) is, or on the issue of the licence

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will be, in charge of the premises where the firearms are to be kept and that the premises and display cabinets, racks or other containers in which the firearms and ammunition for the firearms are to be kept are adequate for the safekeeping of the firearms and the ammunition.

(2) For the purposes of subsection (1)(a)(vi), an applicant who is -

- (a) a member of a firearms club that is a pistol club; and
- (b) recommended by the club as a suitable person to hold a shooter's licence,

has, by virtue of the membership and recommendation, a good and sufficient reason to possess and use a firearm class C.

(3) The Commissioner may, if satisfied that special circumstances exist that warrant the grant of a licence to a person who has not attained the age of 18 years or, in the case of a shooter's licence in relation to a class A firearm, 16 years, grant a licence, or a licence of the particular kind, to or in relation to the person notwithstanding that the person has not attained that age.

(4) The Commissioner shall not grant a certificate of registration unless satisfied that -

- (a) the firearm, not being a collector's piece, is safe and fit for use; and
- (b) the applicant for the certificate is the holder of a licence authorising the applicant to possess the firearm.

(5) The Commissioner shall not grant a licence or permit in relation to a collector's piece unless satisfied that the premises on which it is to be kept are satisfactory for the safekeeping of the collector's piece.

(6) Where the grant of a certificate of registration, licence or permit is refused, the Commissioner shall, by notice in writing served on the applicant, specify the reason for the refusal and the notice shall include -

- (a) the conditions, if any, to be fulfilled; or
- (b) subject to subsection (4)(c), the period to be allowed to expire,

before the applicant may make another application.



13. REQUIREMENT FOR PHOTOGRAPH

(1) The Commissioner may require an applicant for a licence -

- (a) to provide a recent photograph, of an approved type and size, of the applicant; or
- (b) to be photographed by a member of the Police Force or by a person authorised by a member.

(2) Notwithstanding that an applicant for a licence provides a photograph in accordance with subsection (1)(a), the Commissioner may, if the Commissioner considers the photograph to be unsuitable or the appearance of the applicant has substantially changed from that in the photograph, require the applicant to provide another photograph of an approved type and size or to be photographed by a member of the Police Force or by a person authorised by a member.

(3) Where an applicant for a licence provides a photograph or is photographed in accordance with subsection (1) or (2), the Commissioner shall, if the Commissioner grants the licence, attach the photograph to, or include it in, the licence.

(4) The Commissioner may exempt a person from complying with this section and accordingly the person is not required to provide a photograph, or be photographed, under subsection (1).

(5) Subject to subsection (4), a person shall not -

- (a) refuse to comply with a direction given under this section by the Commissioner; or
- (b) provide a photograph required under subsection (1)(a) other than a photograph of the applicant.

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

14. CERTIFICATES OF REGISTRATION, LICENCES, &c.

(1) A certificate of registration, licence or permit under this Act shall be in an approved form.

(2) Particulars of the grant of a certificate of registration, licence or permit shall be promptly recorded in the register kept under section 8.

15. TIME AND DATE OF REGISTRATION, LICENCE, &c.

The registration of a firearm or a licence or permit has effect on and from the time and day the certificate of registration, or licence or permit document is issued.

16. DURATION OF REGISTRATION, LICENCE, &c.

- (1) A registered firearm ceases to be registered -
  - (a) subject to subsection (2), if the person in whose name it is registered dies;
  - (b) on the expiry of the shooter's licence of the person in whose name the firearm is registered; or
  - (c) if it is -
    - (i) sold or otherwise disposed of;
    - (ii) lost or stolen; or
    - (iii) altered in a way -
      - (A) that affects its safety or fitness for use; or
      - (B) that it becomes a firearm of a different class from the class specified in the certificate of registration relating to it.

(2) Where a person was, immediately before his or her death, the holder of a certificate of registration for a firearm, the personal representative of the person, on the death of the person, shall for a period of 28 days or such longer period as the Commissioner in writing allows, be deemed to hold the certificate of registration to enable him or her to dispose of the firearm in accordance with this Act.

(3) Unless sooner revoked or suspended, but subject to section 28, a licence or permit has effect for the period specified in a notice under section 6 in relation to a licence or permit of the particular kind or, where a period is specified in the licence or permit document, for that period.

PART 4 - LICENCES

*Division 1 - General*

17. DEALER'S LICENCE

(1) The holder of a dealer's licence may, subject to the terms and conditions of his or her licence, possess and use and deal in firearms on the premises specified in the licence.

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(2) The holder of a dealer's licence or his or her partner or employee may, in the course of the business of the licensed dealer, remove a firearm from the premises specified in the licence -

- (a) for the purpose of demonstrating the firearm to a prospective purchaser; or
- (b) if the licensed dealer is repairing the firearm - for the purpose of testing it.

### 18. SECURITY MEASURES REQUIRED BY DEALER

(1) The holder of a dealer's licence shall ensure that all firearms kept on the premises specified in the licence are -

- (a) rendered inoperable; or
- (b) so secured in a display cabinet, rack or other container that they cannot be readily removed except by the licensed dealer or his or her partner or employee.

Penalty: \$5,000 or imprisonment for 12 months.

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

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

of the holder of the dealer's license or of his or her partner.

### 19. DEALERS' RECORDS AND RETURNS

(1) The holder of a dealer's licence shall keep a register in an approved form containing particulars of all firearms on the premises specified in the licence.

Penalty: \$2,000.

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

Penalty: \$2,000.

(3) The holder of a dealer's licence shall, not later than 7 days after the last day of March, June, September and December in each year, give to the Commissioner, in an approved form, a record in relation to the 3 months immediately preceding the relevant last day, of -

- (a) all purchases and sales of firearms made by the dealer; and
- (b) if the dealer stores or repairs firearms - the firearms in the dealer's possession or deposited with the dealer for storage or repair.

Penalty: \$2,000.

## 20. ARMOURER'S LICENCE

(1) The holder of an armourer's licence may, subject to the terms and conditions of his or her licence, possess and use firearms on the premises specified in the licence.

(2) The holder of an armourer's licence or his or her partner or employee may, in the course of the business of the armourer, remove a firearm from the premises specified in the licence for the purpose of testing it.

## 21. SECURITY MEASURES REQUIRED TO BE TAKEN BY ARMOURER

(1) The holder of an armourer's licence shall ensure that all firearms on the premises specified in his or her licence are securely stored.

Penalty: \$5,000 or imprisonment for 12 months.

(2) Subsection (1) does not apply to a firearm in the actual possession of the holder of an armourer's licence or of his or her partner or employee.

## 22. ARMOURERS' RECORDS AND RETURNS

The holder of an armourer's licence shall keep an approved record containing particulars of all firearms repaired by the armourer.

Penalty: \$2,000.

## 23. PRODUCTION OF FIREARMS, RECORDS, &c.

(1) A member of the Police Force may, at any time during normal business hours, require the holder of a dealer's or armourer's licence or his or her partner or employee, to produce a firearm in the dealer's or armourer's possession or a record or register required under this Act to be kept by the dealer or armourer.

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

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(2) A member of the Police Force may examine the records or register referred to in subsection (1) and -

- (a) make copies of, or take extracts from them; or
- (b) retain them for such reasonable period as the member thinks fit.

### 24. COLLECTOR'S PIECES, &c.

(1) The Commissioner may, by notice in writing, specify a firearm as a collector's piece.

(2) The holder of a collector's licence may, subject to the terms and conditions of his or her licence, purchase, possess and display a collector's piece.

### 25. DISCHARGE OF COLLECTOR'S PIECES

(1) A person shall not discharge, or carry for the purpose of discharging, a collector's piece unless the person is the holder of a collector's licence and he or she does so in accordance with an authorisation granted by the Commissioner.

Penalty: \$5,000 or imprisonment for 12 months.

(2) Where the holder of a collector's licence is convicted of an offence against subsection (1), the Commission shall, by notice served on the person, revoke the person's collector's licence.

### 26. SHOOTER'S LICENCE

A licensed shooter may, subject to the terms and conditions of his or her licence, possess or use a firearm.

### 27. CORPORATE, &c., LICENCES

The Commissioner shall not grant a corporate licence to a company unless the Commissioner is satisfied that the company -

- (a) is engaged in business of a type that warrants the need for firearms;
- (b) has made adequate provision for the safe storage and control of the firearms it proposes to hold; and
- (c) has made arrangements for its employees, who it proposes should carry or use the firearms, to undertake an approved firearms training and safety program.

28. EMPLOYEE'S LICENCE

(1) Where no period is endorsed on an employee's licence, it shall be taken to have been granted for 12 months.

(2) The Commissioner shall not grant an employee's licence unless satisfied that the employee has satisfactorily completed an approved firearms training and safety program.

(3) An employee's licence ceases to have effect immediately the person in respect of whom it is granted ceases to be employed by the company that holds the relevant corporate licence.

(4) The holder of an employee's licence who, at the time of carriage or discharge of a firearm registered by a company and issued to the person by the company, is not carrying out the duties of his or her employment with the company shall be deemed to be an unlicensed person.

(5) A company that holds a corporate licence shall not issue to or knowingly permit possession of the firearm to which the licence relates to be taken -

- (a) by a person who is not an employee of the company who holds an employee's licence; or
- (b) by an employee unless the employee is the holder of an employee's licence, has satisfactorily completed the program referred to in subsection (2) and the firearm is issued, or possession is taken, for a purpose relating to the duties of his or her employment with the company.

Penalty: \$20,000.

*Division 2 - Firearms Clubs, Shooting Ranges, &c.*

29. DEFINITIONS

In this Division, unless the contrary intention appears -

"shoot" means firearm practice or a club or inter-club competition, and includes a competition conducted by a firearms club;

"shooting gallery" includes an amusement parlour;

"shooting range" means, in relation to a firearms club, the place in or at which members of the club engage in shooting with firearms.

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### 30. FIREARMS CLUBS, &c., TO BE LICENSED

(1) A person shall not operate or participate in the operations of a firearms club, shooting range or shooting gallery unless the club, range or gallery is licensed.

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

(2) The person, by whatever name called, carrying out the functions of manager or secretary of a firearms club, or the proprietor of a shooting range or shooting gallery, may apply to the Commissioner, in an approved form, for a licence for the firearms club, shooting range or shooting gallery.

### 31. GRANT OF LICENCES FOR FIREARMS CLUBS, &c.

(1) Subject to subsection (2), the Commissioner shall, as soon as practicable after receiving an application under section 30(2), grant or refuse to grant the licence.

(2) The Commissioner shall not grant a licence for a shooting range or for a shooting gallery unless satisfied that it is equipped with approved safety equipment and is located and constructed so that its proper use will not constitute a danger to those using it or to the public.

(3) The Commissioner may, when granting a licence for a firearms club, shooting range or shooting gallery, give directions to the person carrying out the functions of manager or secretary of the firearms club, or to the proprietor of the shooting range or shooting gallery, concerning the use, control or administration of the club, range or gallery for the preservation of public safety, and the person or proprietor shall comply with the directions.

Penalty: In the case of a body corporate - \$20,000.

In the case of an individual (other than a person carrying out the functions of manager or secretary of a firearms club) - \$5,000 or imprisonment for 12 months.

In the case of a person carrying out the functions of manager or secretary of a firearms club - \$10,000 or imprisonment for 2 years.

(4) Without derogating from subsection (3), the Commissioner may, at any time, if satisfied that a shooting range or shooting gallery in respect of which a

licence is granted under subsection (1) has become a danger to those using it or to the public, or that directions given under subsection (3) have not been complied with, revoke the licence in respect of the shooting range or shooting gallery or the firearms club.

*Division 3 - Permits, &c.*

32. PURCHASE PERMITS

(1) A person, other than a licensed dealer, shall not purchase or otherwise acquire a firearm class C or a firearm class D unless the person is the holder of a purchase permit issued in respect of the firearm.

Penalty: \$5,000 or imprisonment for 12 months.

(2) A person shall not sell a firearm class C or a firearm class D to another person who is not the holder of a purchase permit authorising him or her to purchase or otherwise acquire the firearm, unless the other person is a licensed dealer.

Penalty: \$5,000 or imprisonment for 12 months.

(3) Where a person sells a firearm class C or a firearm class D to another person, he or she shall -

- (a) endorse on the purchase permit held by the other person the approved particulars in relation to the firearm sold; and
- (b) not later than 24 hours after the sale of the firearm send the permit to the Commissioner.

Penalty: \$5,000 or imprisonment for 12 months.

(4) A person who holds a purchase permit may purchase or otherwise acquire one firearm of the class specified in the permit.

33. TEMPORARY PERMIT

(1) A temporary permit authorises the holder to possess and discharge an unregistered firearm to which it relates.

(2) A temporary permit remains in force for 3 months or such shorter period as the Commissioner thinks fit and specifies in the permit document.

34. COMMISSIONER MAY REQUIRE FIREARM TO BE LODGED

(1) Where the Commissioner refuses to grant or renew a licence or temporary permit, the Commissioner may require the applicant for the licence or permit to lodge



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the firearm specified in the application for the grant or renewal with the Commissioner for safe keeping for a period specified by the Commissioner.

(2) An applicant shall not refuse or fail to comply with a requirement under subsection (1).

Penalty: \$5,000 or imprisonment for 12 months.

### PART 5 - REVOCATION AND APPEALS

#### *Division 1 - Surrender, Revocation, &c.*

#### 35. SURRENDER OR REVOCATION OF CERTIFICATES OF REGISTRATION, LICENCES, &c.

(1) A person may, in writing to the Commissioner accompanied by -

- (a) the relevant certificate of registration, licence or permit; or
- (b) a statutory declaration setting out the reasons why the certificate of registration, licence or permit was not included with the writing,

surrender a certificate of registration, licence or permit held by him or her.

(2) A surrender under subsection (1) takes effect on receipt of the writing by the Commissioner.

(3) The Commissioner may, by notice served on the holder of a certificate of registration, licence or permit, revoke the certificate, licence or permit -

- (a) if the Commissioner believes on reasonable grounds that the registration, licence or permit was obtained through fraud or deception; or
- (b) if the Commissioner is satisfied that -
  - (i) the holder of the certificate, licence or permit has been convicted of an offence against a law in force in the Territory, or of an offence in a State or another Territory of the Commonwealth, relating to firearms or involving the possession or use of firearms or any other offence that, in the opinion of the Commissioner, renders the applicant not fit to possess or use a firearm or to hold a certificate, licence or permit of the kind held;

- (ii) the holder of a licence or permit is no longer a fit or proper person to carry out the activity authorised by the licence or permit;
- (iii) the holder of a licence or permit relating to a firearm class C or a firearm class D no longer has a good and sufficient reason to possess or use a firearm of the class specified in the licence or permit;
- (iv) in the case of a dealer's licence -
  - (A) the holder of the licence is not in charge of the premises specified in the licence;
  - (B) the holder of the licence no longer deals in firearms; or
  - (C) the premises specified in the licence are no longer satisfactory for the purposes of carrying out the business of a dealer;
- (v) in the case of an armourer's licence -
  - (A) the holder of the licence is not in charge of the premises specified in the licence;
  - (B) the holder of the licence no longer deals in firearms; or
  - (C) the premises specified in the licence are no longer satisfactory for the purposes of carrying out the business of an armourer;
- (vi) in the case of a collector's licence -
  - (A) the holder of the licence is no longer a bona fide collector of collector's pieces or is not, or will no longer be, in charge of the premises where the collector's pieces are usually kept; or
  - (B) the premises where the collector's pieces are usually kept are no longer satisfactory for the storage or safe keeping of firearms;

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(vii) in the case of a corporate licence -

- (A) the company no longer has a good reason for its employees to possess or use a firearm; or
- (B) the company's premises are no longer satisfactory for the storage or safe keeping of firearms; and/or

(viii) in the case of an employee's licence - the holder of the licence is no longer an employee of the company that holds the relevant corporate licence or is no longer carrying out the duties of the employment in relation to which the licence was granted.

(4) A person shall, immediately after a notice under subsection (3) is served on him or her, or where in the notice the person is allowed time to sell or otherwise dispose of the firearm, not later than the time so allowed -

- (a) surrender the revoked certificate of registration, licence or permit to the Commissioner; and
- (b) deliver the firearm in respect of which the revoked certificate, licence or permit was granted to a member of the Police Force.

Penalty: \$5,000 or imprisonment for 12 months.

### 36. SUSPENSION OF CERTIFICATES OF REGISTRATION, LICENCES, &c.

(1) A member of the Police Force with the rank of senior sergeant or higher or a member in charge of a police station may, by written notice served on a person, suspend the person's certificate of registration, licence or permit -

- (a) on the request, whether oral or in writing, of the person;
- (b) if the person has been charged with an offence against a law in force in the Territory or in a State or another Territory of the Commonwealth relating to firearms (or any other offence that, in the opinion of the Commissioner would, if the

person is found guilty, render the person not fit to possess or use a firearm or to hold a certificate, licence or permit of the kind held) and the person is awaiting the hearing of the charge by a court;

- (c) if the member believes on reasonable grounds that the person is suffering from a physical or mental infirmity or incapacity and, as a result of the person's possession of a firearm, may be likely to be a danger to the safety of the person or to another person or to property;
- (d) after receiving a report under section 78; or
- (e) if the member believes on reasonable grounds that the person has made a statement that is false or misleading in a material particular in the application for the certificate, licence or permit.

(2) A person shall, immediately after a notice under subsection (1) is served on him or her, or not later than the period specified in the notice -

- (a) surrender the suspended certificate of registration, licence or permit; and

- (b) deliver the firearm to which the notice relates,

to a member of the Police Force or to a person nominated by the person and approved by a member.

Penalty: \$5,000 or imprisonment for 12 months.

### 37. APPLICATION AFTER REFUSAL, &c.

Where the Commissioner -

- (a) refuses to grant; or
- (b) revokes,

a certificate of registration, licence or permit, the applicant for the grant of the certificate, licence or permit, or the holder of the revoked certificate, licence or permit, shall not -

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

apply for the grant of -

- (e) a certificate of registration; or
- (f) a licence or permit of the same class as the licence or permit that was the subject of the refusal or revocation.

### 38. DISPOSAL OF FIREARMS

(1) Where, under section 35, the Commissioner revokes a certificate of registration of a firearm but, in the notice of revocation allows the person time to sell or otherwise dispose of the firearm, the person shall, within the time so allowed, sell or otherwise dispose of the firearm accordingly, unless he or she sooner institutes an appeal under Division 3 against the Commissioner's action.

(2) Where, under section 35, the Commissioner revokes a licence or permit but, in the notice of revocation allows the person time to sell or otherwise dispose of the firearm, the person shall, within the time specified in the notice of revocation, sell or otherwise dispose of the firearms the possession of which was authorised by the licence or permit, unless he or she has sooner instituted an appeal under Division 3 against the Commissioner's action.

(3) A person who sells or disposes of a firearm pursuant to this section, section 49 or an order of a court under section 79(1) shall, not later than 2 days after the sale or disposal, give to the Commissioner, by notice in writing, approved particulars concerning the sale or disposal.

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

### *Division 2 - Firearms Appeals Tribunal*

### 39. DEFINITIONS

In this Division -

"Chairman" means the Chairman of the Tribunal;

"member" means a member of the Tribunal and includes the Chairman.

### 40. FIREARMS APPEAL TRIBUNAL

(1) There shall be a tribunal by the name of the Firearms Appeal Tribunal.

(2) The Tribunal shall consist of the Chairman, who shall be the Chief Magistrate or a Magistrate nominated by the Chief Magistrate, and 2 other members appointed by the Minister of whom -

- (a) one shall be appointed on the nomination of the Commissioner; and
  - (b) one shall be appointed on the nomination of firearms clubs licensed under section 31(1).
- (3) Subject to this Division, a member appointed under subsection (2) holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(4) Where a member appointed under subsection (2) is unable or about to become unable to be present at a meeting of the Tribunal, the Minister (or, if the Minister does not do so, the Commissioner or the firearms clubs who or which nominated the member, as the case may be) may, by notice in writing, nominate a person to act in place of the member for the meeting or during the period the member is unable to be present.

(5) The person appointed to act in the place of a member has all the functions and powers of the member while so acting.

#### 41. RESIGNATION OF MEMBERS

A member appointed under section 40(2) may resign office by notice in writing signed by the member and given to the Minister.

#### 42. DISMISSAL OF MEMBERS

(1) The Minister may terminate the appointment of a member appointed under section 40(2) for inability, inefficiency, misbehaviour or physical or mental incapacity.

(2) Where a member appointed under section 40(2) -

- (a) is absent, except by leave of the Tribunal, from 3 consecutive meetings of the Tribunal; or
- (b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of remuneration for their benefit,

the Minister shall terminate the member's appointment.

#### 43. FUNCTIONS AND POWERS OF TRIBUNAL

(1) The functions of the Tribunal are -

- (a) to consider appeals made to it by a person aggrieved by a decision or action under this Act of the Commissioner;

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- (b) at the request of the Minister or of the Commissioner, to advise the Commissioner concerning applications for registration of firearms, or for licences or permits;
- (c) to establish guidelines for standards of construction and installation of equipment for shooting ranges and shooting galleries;
- (d) to establish safety standards; and
- (e) to consider any other matter referred to it by the Minister or by the Commissioner.

(2) The Tribunal has such powers as are necessary to enable it to carry out its functions or as are conferred on it by or under this Act.

### 44. OBTAINING OF INFORMATION BY TRIBUNAL

(1) The Tribunal may, by notice in writing signed by its Chairman, require a person to furnish to it such information as it reasonably requires to enable it to carry out its functions.

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

Penalty: In the case of a body corporate - \$10,000  
and \$1,000 for each day during which the  
offence continues.

In the case of a natural person - \$2,000  
and \$200 for each day during which the  
offence continues.

### 45. MEETINGS OF TRIBUNAL

(1) The Chairman shall call such meetings of the Tribunal as are necessary for the exercise of its powers and the performance of its functions.

(2) The Minister may, at any time, direct the Chairman to convene a meeting of the Tribunal and the Chairman shall comply with the direction.

(3) At a meeting of the Tribunal -

- (a) questions arising shall be determined by a majority vote of the members; and

- (b) subject to this Act, the Tribunal shall determine the procedure to be followed at or in connection with the meeting.

(4) The Tribunal shall cause records of its meetings to be kept.

#### 46. SECRETARY TO TRIBUNAL

(1) There shall be a secretary to the Tribunal who shall be a Registrar of the Local Court nominated by the Chief Magistrate.

(2) The secretary shall keep and maintain a register in which the secretary shall enter particulars of appeal proceedings and advice provided to the Commissioner concerning applications for registration of firearms or for licences or permits.

### *Division 3 - Appeals*

#### 47. NOTICE OF APPEAL

(1) A person aggrieved by a decision or action of the Commissioner under this Act may appeal against the decision to the Tribunal.

(2) An appeal under subsection (1) shall be instituted by the person lodging with the Tribunal, not later than 28 days after the decision or action of the Commissioner, a notice of appeal in the prescribed form accompanied by the determined fee.

(3) A notice of appeal shall be served by the appellant on the Commissioner.

(4) Where a notice of appeal has been lodged under subsection (2), the appellant shall deliver to the Commissioner for safe keeping such firearms as the applicant would be required to sell or otherwise dispose of by virtue of section 37 had the appeal not been instituted.

Penalty: \$5,000 or imprisonment for 12 months.

#### 48. POWERS OF TRIBUNAL

(1) An appeal under section 47(1) shall be in the nature of a rehearing.

(2) The Tribunal has, on an appeal under section 46(1) all the powers, authorities, duties, functions and discretions that the Commissioner has in relation to the decision or action the subject of the appeal.



49. DETERMINATION OF APPEALS

(1) The Tribunal shall determine an appeal under section 46(1) by -

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

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

PART 6 - OFFENCES IN RELATION TO FIREARMS

50. FIREARMS TO BE REGISTERED

(1) Subject to this Act, a person shall not possess or use an unregistered firearm.

Penalty: Where the firearm is a firearm class A or firearm class B - \$1,000 or imprisonment for 3 months; or

In any other case - \$2,000 or imprisonment for 6 months.

(2) It is a defence to a prosecution for an offence against subsection (1) that a temporary permit was in force in relation to the firearm at the time of the possession or use.

(3) It is a defence to a prosecution for an offence against subsection (1) in relation to the possession of an unregistered firearm that the defendant had possessed the firearm for not more than 2 days.

51. POSSESSION OR USE OF FIREARMS WITHOUT LICENCE PROHIBITED

(1) A person shall not possess or use a firearm, or deal in firearms, unless the person is licensed or is otherwise authorised by or under this Act to do so.

Penalty: \$5,000 or imprisonment for 12 months.

(2) It is a defence to a prosecution for an offence against subsection (1) in relation to the possession or use of a firearm that the defendant -

- (a) was not at the time domiciled in the Territory, had been in the Territory for less than 3 days and the firearm was registered in a State or another Territory of the Commonwealth or the defendant was authorised by or under a law in

force in the State or other Territory in which he or she was ordinarily resident to possess or use the firearm;

- (b) was in the company of a holder of a shooter's licence for a firearm of that class and the firearm was lawfully in the possession of the licence holder and was being used in accordance with the conditions, if any, specified in the licence document; or
- (c) was under the direct supervision of an instructor who was lawfully in possession of the firearm and the firearm was being used at the time for the purpose of instruction or training.

52. ALTERATION OF FIREARMS GENERALLY

A person shall not 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: \$5,000 or imprisonment for 12 months.

53. HIRING FIREARMS

(1) A person shall not hire a firearm to another person unless the other person is the holder of -

- (a) a licence or permit appropriate to the hired firearm; or
- (b) where the firearm is a firearm class C or a firearm class D, a shooter's licence for a firearm of that class.

(2) A person shall not apply to another person to hire a firearm from the other person unless the first-mentioned person is the holder of a shooter's licence for a firearm of the particular class.

Penalty: \$5,000 or imprisonment for 12 months.

54. ALTERATION OF IDENTIFICATION MARKS

(1) A person shall not deface or alter an identifying serial number on a firearm except with the prior written approval of the Commissioner.

Penalty: \$5,000 or imprisonment for 12 months.

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(2) A person shall not be in possession of a firearm the serial numbers of which have been defaced or altered in contravention of subsection (1).

Penalty: \$5,000 or imprisonment for 12 months.

### 55. TOY GUNS, &c.

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

Penalty: \$5,000 or imprisonment for 12 months.

### 56. FIREARMS TO BE KEPT SECURE

A person who possesses a firearm shall do what is reasonably necessary to keep the firearm secure from loss or theft and from access by a person who is not the holder of a licence or permit, or otherwise authorised under this Act, to possess or use the firearm.

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

### 57. UNSAFE FIREARMS

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

Penalty: \$5,000 or imprisonment for 12 months.

(2) The holder of an armourer's or dealer's licence may have an unsafe firearm in his or her possession in the ordinary course of his or her business as a licensed armourer or dealer or for the purpose of repairing it.

(3) The holder of a collector's licence may have an unsafe collector's piece in his or her possession.

(4) It is a defence to a prosecution for an offence against subsection (1) that the defendant did not know and could not reasonably have known that the firearm was unsafe.

### 58. SILENCERS AND MACHINE-GUNS

(1) Subject to this Act, a person shall not possess or use a silencer or a machine-gun.

Penalty: \$5,000 or imprisonment for 12 months.

(2) Notwithstanding section 79, a silencer or machine-gun possessed or used by a person in contravention of subsection (1) shall, on proof of the offence, be forfeited to the Territory.

59. CARRYING FIREARMS IN PUBLIC PLACES

(1) In this section, unless the contrary intention appears -

"public place" has the same meaning as it has in the *Summary Offences Act*;

"town" means a town within the meaning of the *Crown Lands Act* and includes a municipality, 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 in relation to the sale, purchase, possession, hire, presence and use of firearms.

(2) A person shall not carry a firearm exposed to public view in a public place within the boundaries of a town.

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

(3) A person shall not carry a loaded firearm in a public place within the boundaries of a town.

Penalty: \$5,000 or imprisonment for 12 months.

(4) Subsections (2) and (3) do not apply to or in relation to the holder of an employee's licence who is carrying out the duties of his or her employment in relation to which the licence was issued.

(5) It is a defence to a prosecution for an offence against this section that the defendant had a reasonable excuse for performing the act that would otherwise constitute the offence.

60. DISCHARGE OF FIREARMS ON CERTAIN LAND

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

(a) the person is the owner or occupier of the land or the occupier of the land has consented, either expressly or impliedly, to the discharge of the firearm on the land;

(b) in the case of vacant Crown land, the person had obtained the written permission of the Minister primarily responsible for the administration of the *Crown Lands Act* for discharging the firearm on the land; or

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- (c) the person is authorised by or under another law in force in the Territory to discharge the firearm on the land.

Penalty: \$5,000 or imprisonment for 12 months.

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

### 61. POSSESSION, &c., OF FIREARMS ON CERTAIN LAND

(1) A person shall not have in his or her possession on land a firearm unless -

- (a) the person is the owner or occupier of the land or the occupier of the land has consented, either expressly or impliedly, to the defendant's possession of the firearm on the land;
- (b) the defendant is -
  - (i) approaching the residence of the occupier along a defined or customary road or track for the purpose of applying for consent; or
  - (ii) proceeding along a defined or customary road or track for the purpose of reaching a destination outside of the land;
- (c) in the case of vacant Crown land, the person had obtained written permission from the Minister primarily responsible for the administration of the *Crown Lands Act* to have in the person's possession the firearm on the land; or
- (d) the person is authorised by or under another law in force in the Territory to have in the person's possession the firearm on the land.

Penalty: \$5,000 or imprisonment for 12 months.

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

### 62. DISCHARGE OF FIREARMS ON ROADS, &c.

(1) A person shall not discharge a firearm on, from, towards or across a public road, public street or public place knowing it to be such a road, street or place.

Penalty: \$5,000 or imprisonment for 12 months.

(2) it is a defence to a prosecution for an offence against subsection (1) that the person had a lawful excuse for discharging the firearm in the circumstances.

63. PROHIBITED USE OF FIREARMS

Except as permitted by or under a law in force in the Territory, a person shall not -

(a) engage in a contest, game or encounter that involves pointing a firearm; or

(b) point or discharge a firearm,

at or in the direction of another person.

Penalty: \$5,000 or imprisonment for 12 months.

64. DISCHARGE OF FIREARM CAUSING DANGER, &c.

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

Penalty: \$5,000 or imprisonment for 12 months.

(2) It is a defence to a prosecution for an offence against subsection (1) that the person had a lawful excuse for discharging the firearm in the circumstances.

65. BREACH OF CONDITIONS

The holder of a licence or permit shall not contravene or fail to comply with a condition endorsed on the permit or licence document.

Penalty: \$5,000 or imprisonment for 12 months.

66. PERSONS UNDER INFLUENCE OF ALCOHOL OR DRUGS

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

Penalty: \$5,000 or imprisonment for 12 months.

67. DELIVERY OF FIREARMS TO CERTAIN PERSONS

A person shall not knowingly permit possession or control of a firearm or ammunition owned or controlled by him or her to be taken by another person whom he or she has reasonable grounds for believing is -

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

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(b) of unsound mind.

Penalty: \$5,000 or imprisonment for 12 months.

### 68. DELIVERY OF FIREARMS TO UNLICENSED PERSONS

A person in possession of a firearm shall not knowingly permit another person to take possession of the firearm unless -

(a) the first-mentioned person -

(i) in the case of a firearm class A or a firearm class B, has inspected the licence, permit, or other authorisation of the other person to possess or use a firearm of that class; or

(ii) in the case of a firearm class C or a firearm class D, has inspected the permit for the other person to possess or use the particular firearm; or

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

Penalty: \$5,000 or imprisonment for 12 months.

### 69. USE, &c., OF FIREARMS PROHIBITED WHEN LICENCE REVOKED, &c., OR PERSON DISQUALIFIED

Except as permitted under section 36(2) or 47(3), a person shall not, on the revocation or suspension of a certificate of registration, licence or permit, possess or use the firearm to which the certificate, licence or permit relates.

Penalty: \$5,000 or imprisonment for 12 months.

### 70. FALSE STATEMENTS

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

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

Penalty: \$5,000 or imprisonment for 12 months.

71. CHANGES, &c., TO BE NOTIFIED

(1) The holder of a certificate of registration shall -

- (a) if the person changes his or her name or address - notify the Commissioner, in writing, within 2 days after the change; or
- (b) if the person sells or otherwise disposes of the firearm to which the certificate relates - notify the Commissioner, in writing, within 2 days after the sale or disposition, stating the name, address and firearms licence number of the person to whom the person sold or otherwise disposed of the firearm.

Penalty: \$5,000 or imprisonment for 12 months.

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

Penalty: \$5,000 or imprisonment for 12 months.

(3) If there is a change in particulars specified in an application for a licence or temporary permit or in the licence or permit, the applicant or holder of the licence or permit shall, before it is granted (in the case of an application) and without delay, notify the Commissioner in writing of the change.

Penalty: In a case of an offence in relation to an application for a licence or permit or a licence or permit for -

- (a) a class B firearm - \$2,000 or imprisonment for 6 months; or
- (b) a class C or D firearm - \$4,000 or imprisonment for 12 months.

(4) If a certificate of registration, licence or temporary permit is lost or stolen, the holder of the certificate, licence or permit shall notify the Commissioner in writing within 2 days after becoming aware of the loss or theft.

Penalty: \$500 or imprisonment for 14 days.



72. REQUIREMENTS, &c., TO BE COMPLIED WITH

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

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

PART 7 - MISCELLANEOUS

73. POLICE MAY REQUEST NAMES AND ADDRESSES

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

- (a) refuse or fail to comply with the requirement;
- (b) furnish to the member a name that is false in a material particular; or
- (c) furnish to the member as the person's address an address other than the full and correct address of his or her ordinary place of residence.

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

74. POLICE MAY REQUIRE PRODUCTION OF LICENCES, &c.

(1) A person in possession of a firearm shall carry with him or her while so in possession -

- (a) the relevant shooters licence for a firearm of that class; and
- (b) where the firearm is a firearm class C or a firearm class D, the certificate of registration or temporary permit, as the case may be, in respect of the firearm,

and shall produce it to a member of the Police Force on demand.

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

(2) A person in possession of a firearm class A or a firearm class B shall, when requested to do so by a member of the Police Force, produce to that or another member of the Police Force the person's certificate of registration or temporary permit, as the case may be, in respect of the firearm within such time, not exceeding 48 hours after the request was made, and at such a place, as the member specifies at the time of making the request.

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

75. SEARCHES AND EMERGENCIES

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

at any time, without warrant -

- (c) subject to subsection (4), search the person of, the clothing that is being worn by, and the property in the immediate control of, a person reasonably suspected by the member to be carrying a firearm or anything connected with an offence against this Act; or
- (d) enter into or on and search any premises, vehicle, aircraft or vessel on or in which the member believes on reasonable grounds that -
  - (i) a firearm or anything connected with an offence against this Act is situated; or
  - (ii) a person, who is in danger because of the possession of a firearm by the person or by some other person, may be,

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

(2) A member of the Police Force who believes on reasonable grounds that a person is carrying a firearm, and the person or some other person may be in danger because of the possession of the firearm, may stop the person and search the person for the firearm and seize it if it is found on the person.

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

## Firearms

(4) Except in a case referred to in subsection (1)(a), a person shall not be searched pursuant to this section except by a person of the same sex.

(5) In this section, "firearm" includes ammunition and a silencer.

### 76. SEIZURE

(1) Where a firearm is seized under this Act or under or in pursuance of any other law in force in the Territory by a member of the Police Force, it may be retained by the member or another member for the purposes of -

- (a) determining whether an offence against this or any other Act has been committed; or
- (b) pending the making of a decision under this Act by the Commissioner.

### 77. RETENTION OF CERTAIN SEIZED FIREARMS

(1) Where a firearm is seized under section 126(2AA) of the *Police Administration Act* -

- (a) if it is not the property of the person involved in the event that led to it being seized, the Commissioner may retain it for a period of not more than 30 days after its seizure but may return it to its owner within that period if satisfied that -
  - (i) it will not be kept on or in the premises, vehicle or vessel from which it was seized; or
  - (ii) if it is to be so kept, adequate arrangements have been made to ensure that it is not likely to be used to place any person on or in the premises, vehicle or vessel in imminent danger of suffering personal injury or an aggravation of a personal injury; or
- (b) if the firearm is the property of the person involved in the event, the Commissioner may retain it -
  - (i) for a period of 90 days after its seizure; or

- (ii) until the expiration of any period of revocation of a certificate of registration, licence or permit resulting from the person being placed on a restraining order or convicted of an offence,

whichever is the longer period.

(2) The Commissioner may, with the consent of the owner of a firearm to which this section applies, arrange for the storage of the firearm by a person who may, under this Act, possess the firearm.

(3) A person who agrees to store a firearm in pursuance of an arrangement under subsection (2) shall comply with the directions or conditions, if any, of the Commissioner in relation to the firearm.

Penalty: \$5,000 or imprisonment for 12 months.

(4) A person with whom, in pursuance of this section, a firearm is stored shall not allow any person (including its owner) to have possession of the firearm except in accordance with the directions or conditions of the Commissioner.

Penalty: \$5,000 or imprisonment for 12 months.

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

Penalty: \$5,000 or imprisonment for 12 months.

(6) All certificates of registration, licences, permits and authorisations under this Act held by a person convicted of an offence against this section are, by virtue of that conviction, revoked and all firearms to which they relate are forfeited to the Territory.

#### 78. NO LIABILITY OR COMPENSATION FOR LOSS, &c.

The Territory, the Commissioner or a member of the Police Force shall not be liable for an act or omission of the Commissioner or a member of the Police Force done or made in good faith in the performance or exercise, or purported performance or exercise, of a power or function under this Act which results in the loss of or damage to a firearm.

#### 79. REPORT TO BE MADE IN CERTAIN CIRCUMSTANCES

(1) A medical practitioner who believes on reasonable grounds that, in the interests of public safety, a person is not a fit and proper person to have a firearm in his or her possession or control may, as soon as practicable after obtaining the knowledge that

constitutes the reasonable grounds for the medical practitioner's so believing, report to a member of the Police Force the belief and the material facts on which the belief is based.

(2) Where a medical practitioner, acting in good faith, makes a report under or in purported compliance with subsection (1) to a member of the Police Force -

- (a) the report shall not 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.

80. REVOCATION, DISQUALIFICATION AND FORFEITURE, &c.

(1) Where a court -

- (a) finds a person holding a certificate of registration, licence or permit guilty of a disqualifying offence; or
- (b) under Division 8 of the *Justices Act*, orders a person holding a certificate of registration, licence or permit, to keep the peace,

it shall, in addition to a penalty, if any, imposed under this Act or under some other law relating to the offence, by order, revoke the certificate of registration, licence or permit (whether or not the firearm to which it relates is implicated in the offence or incident) unless satisfied, on application at the time, that the certificate, licence or permit should not be revoked and, subject to subsection (5), may make such other orders in relation to the surrender, delivering up, disposal or safe keeping of the firearm as it thinks fit.

(2) Where a person is charged with an offence relating to a firearm or involving the use of a firearm and the court -

- (a) dismisses the charge;
- (b) directs, without proceeding to a conviction, that the person be discharged;
- (c) releases the person without passing sentence; or
- (d) proceeds to sentence the person,

it may, in addition to a penalty, if any, imposed under this Act or under some other law relating to the offence, by order -

- (e) disqualify the person from holding a specified licence or permit for the period specified by the court;
- (f) subject to this Act, order that a firearm registered in the name of, or in the possession of, the person be forfeited to the Territory; or
- (g) direct that the person shall not, within a period of not more than 2 years after the making of the order, apply for -
  - (i) registration of a firearm; or
  - (ii) the grant of a licence or permit,

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

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

(4) If the court is satisfied that the person in whose name the firearm is registered -

- (a) is not implicated in the offence - it shall not order the firearm to be forfeited but may order that it be given to that person; or
- (b) is implicated in the offence - it may order that the firearm is forfeited to the Territory.

(5) A decision or action of the court under subsection (1), (2) or (4) does not affect a power of a person under this Act to revoke or suspend a certificate of registration, licence or permit.

#### 81. DUPLICATE CERTIFICATES AND LICENCES

(1) Where the Commissioner is satisfied that a certificate of registration, licence or permit has been damaged, destroyed, lost or stolen, the Commissioner may, on application of the holder, issue to the holder a duplicate certificate, licence or permit in the approved form.

(2) An application for a duplicate certificate of registration, licence or permit shall be in the approved form accompanied by the determined fee.

82. AVERMENTS

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

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

is evidence of the fact so averred.

83. EVIDENTIARY

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

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

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

84. SERVICE OF NOTICES, &c.

(1) In this section, "notice" includes a certificate of registration, licence, permit, record or any other writing under this Act.

(2) A notice under this Act is duly served if it is given to or served on a person -

- (a) personally; or
- (b) by post addressed to the person at the person's usual place of abode, last known address or the address given in relation to a certificate of registration, licence or permit or, if the person is a dealer, armourer, collector

or a company carrying on business, to the place of business.

(3) A notice relating to an employee's licence is duly served if it is served in accordance with subsection (1) on the company that applied for the employee's licence.

(4) A notice required to be given to the Commissioner may be given to or served on the Commissioner personally or by post or to or on a member of the Police Force at a police station.

#### 85. REGULATORY OFFENCES

An offence against this Act, other than sections 28(5), 70 and 73, is a regulatory offence.

#### 86. REGULATIONS

The Administrator may make regulations, not inconsistent with this Act, prescribing matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

#### 87. REPEAL

The Acts specified in the Schedule are repealed.

#### 88. TRANSITIONAL

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

(2) Notwithstanding the repeal effected by section 86 -

- (a) a declaration under section 12 of the repealed Act continues in force as if it were a declaration of a class D firearm under section 9 of this Act;
- (b) a firearm registered under the repealed Act remains registered until an event specified in section 16 of this Act occurs;
- (c) a permit to purchase a firearm class C or a firearm class D within the meaning of the repealed Act continues in force as though this Act had not commenced, and sections 60 to 62 inclusive of the repealed Act remained in force in relation to the permit;



## *Firearms*

- (d) a licence or temporary permit issued to a person under the repealed Act continues in force as though this Act had not commenced until -
  - (i) the expiration of the licence or permit; or
  - (ii) the issue of a licence or permit under this Act to the person,whichever is the sooner;
- (e) an approval purported to have been given by the Commissioner under the repealed Act in respect of a firearms club or shooting gallery shall be taken to have been duly issued, on the same terms and conditions, and remains in force under this Act until the expiration of 3 months after the commencement of this Act; and
- (f) a register kept under the repealed Act is a register for the purposes of this Act.

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### SCHEDULE

Section 87

#### REPEALED ACTS

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*Firearms Act (No. 2) 1979 (No. 8 of 1980)*  
*Firearms Act 1980 (No. 42 of 1980)*  
*Firearms Amendment Act 1987 (No. 6 of 1987)*  
*Firearms Amendment Act (No. 2) 1987 (No. 45 of 1987)*

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