

Authorised Version No. 064

Firearms Act 1996

No. 66 of 1996

Authorised Version incorporating amendments as at
16 May 2012

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Firearms Act 1996

No. 66 of 1996

Authorised Version incorporating amendments as at
16 May 2012

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1 Purpose

The purposes of this Act are—

- (a) to give effect to the principle that the possession, carriage, use, acquisition and disposal of firearms are conditional on the need to ensure public safety and peace by—
 - (i) establishing a system of licensing and regulating the possession, carriage and use of firearms and related items which does not allow for self defence to be used as a reason for obtaining a licence to possess, carry or use a firearm; and
 - (ii) establishing a system of licensing and regulating the carrying on of the business of dealing in firearms; and
 - (iii) establishing a system of permitting and regulating the acquisition and disposal of firearms and related items; and
 - (iv) establishing a system of registering firearms; and
 - (v) establishing requirements for the secure storage and carriage of firearms; and

- (vi) establishing a Firearms Appeals Committee to hear applications for review of decisions of the Chief Commissioner under the Act; and
 - (vii) making provision for the education of the community in the safe and responsible use of firearms; and
 - (viii) making other related provisions; and
- (b) to repeal the **Firearms Act 1958**; and
- (c) to make various consequential amendments to other Acts.

2 Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 31 January 1998, it comes into operation on that day.

3 Definitions

- (1) In this Act—

acquire, in relation to any thing, includes buying or coming into possession of the thing (whether the thing is in Victoria or elsewhere) but does not include borrowing the thing;

S. 3(1) def. of *acquire* amended by No. 22/1998 s. 4(a), substituted by No. 28/2003 s. 3(1)(a).

airgun includes air rifle;

S. 3(1) def. of *airgun* inserted by No. 28/2007 s. 3(Sch. item 26.2).

antique handgun means a handgun—

- (a) that was manufactured before 1 January 1900; and
- (b) that uses percussion as a means of ignition; and
- (c) that does not take commercially available cartridge ammunition;

S. 3(1) def. of *antique handgun* inserted by No. 78/2005 s. 3(1)(a), substituted by No. 50/2007 s. 3(1)(b).

antique handgun collectors licence means a licence issued under section 21B;

S. 3(1) def. of *antique handgun collectors licence* inserted by No. 78/2005 s. 3(1)(a).

approved club means a club approved by the Chief Commissioner under section 10(3);

S. 3(1) def. of *approved club* amended by No. 28/2003 s. 3(1)(d).

approved firearms collectors club means a person or body approved by the Chief Commissioner under section 123H;

S. 3(1) def. of *approved firearms collectors club* inserted by No. 28/2003 s. 3(1)(c).

approved handgun target shooting club means a person or body approved by the Chief Commissioner under section 123A;

S. 3(1) def. of *approved handgun target shooting club* inserted by No. 28/2003 s. 3(1)(c).

S. 3(1) def. of *approved handgun target shooting match* inserted by No. 28/2003 s. 3(1)(c), substituted by Nos 78/2005 s. 3(1)(b), 52/2010 s. 3(1)(a), amended by No. 12/2012 s. 7(1).

approved handgun target shooting match means—

- (a) a competitive target shooting match approved by the Chief Commissioner that is conducted by an approved handgun target shooting club at an approved shooting range; or
- (b) a handgun target shooting match conducted in another State or a Territory or a place outside Australia that is recognised by the Chief Commissioner under section 16(12)(a) to be an approved handgun target shooting match;

approved shooting range means a shooting range approved by the Chief Commissioner under section 179;

S. 3(1) def. of *armed guard activity* inserted by No. 50/2007 s. 3(1)(a).

armed guard activity means the activity, performed by a person acting as a security guard, of protecting, watching or guarding any property while being in possession of a firearm;

S. 3(1) def. of *airgun* amended by No. 78/2005 s. 3(1)(c), repealed by No. 28/2007 s. 3(Sch. item 26.1).

* * * * *

S. 3(1) def. of *black powder handgun* inserted by No. 78/2005 s. 3(1)(a).

black powder handgun means a handgun that—

- (a) uses black powder to propel a projectile; and
- (b) is not capable of being loaded with or discharging breech-loaded metallic cartridges;

carry in relation to a firearm, includes the carriage of that firearm either as a whole or in parts and either by one person or more than one person;

cartridge ammunition means ammunition having a bullet or other projectile and a priming device fixed to or enclosed in a cartridge case which is composed wholly or partly of material other than paper;

S. 3(1) def. of *cartridge ammunition* inserted by No. 22/1998 s. 4(g).

cash-in-transit activity means the activity, performed by a person acting as a security guard, of collecting, transferring or delivering cash or other valuables;

S. 3(1) def. of *cash-in-transit activity* inserted by No. 50/2007 s. 3(1)(a).

category 1 firearms collectors licence means a licence issued under section 21;

S. 3(1) def. of *category 1 firearms collectors licence* inserted by No. 28/2003 s. 3(1)(c).

category 2 firearms collectors licence means a licence issued under section 21A;

S. 3(1) def. of *category 2 firearms collectors licence* inserted by No. 28/2003 s. 3(1)(c).

category A longarm means any of the following—

- (a) an airgun;
- (b) a rimfire rifle (other than a semi-automatic rimfire rifle);
- (c) a shotgun (other than a pump action or semi-automatic shotgun);
- (d) any combination of a shotgun and rimfire rifle;

S. 3(1) def. of
category B
longarm
amended by
No. 22/1998
s. 4(b).

category B longarm means any of the following—

- (a) a muzzle loading firearm;
- (b) a centre fire rifle (other than an automatic or a semi-automatic centre fire rifle);
- (c) any combination of a shotgun and centre fire rifle;
- (d) a black powder, ball firing cannon;

category C longarm means any of the following—

- (a) a semi-automatic rimfire rifle with a magazine capacity of no more than 10 rounds;
- (b) a semi-automatic shotgun with a magazine capacity of no more than 5 rounds;
- (c) a pump action shotgun with a magazine capacity of no more than 5 rounds;
- (d) a tranquilliser gun;

S. 3(1) def. of
category D
longarm
amended by
Nos 50/2007
s. 3(1)(c),
21/2008
s. 7(a).

category D longarm means any of the following—

- (a) a semi-automatic rimfire rifle with a magazine capacity of more than 10 rounds;
- (b) a semi-automatic shotgun with a magazine capacity of more than 5 rounds;
- (c) a pump action shotgun with a magazine capacity of more than 5 rounds;
- (d) a semi-automatic centre fire rifle;

- (e) any other firearm prescribed for the purposes of this category;
- (f) any other firearm that is declared under section 3A(1) to be a category D longarm;
- (g) any other firearm that is declared under section 3B(1)(a) to be a category D longarm;

category E handgun means any of the following—

- (a) a machine gun that is a handgun;
- (b) any handgun prescribed for the purposes of this category;
- (c) any other firearm that is declared under section 3A(1) to be a category E handgun;

S. 3(1) def. of *category E handgun* inserted by No. 28/2003 s. 3(1)(c), amended by No. 50/2007 s. 3(1)(d).

category E longarm means any of the following—

- (a) a machine gun that is a longarm;
- (b) a tear gas gun or projector;
- (c) a shotgun or rifle with a length of less than 75 centimetres measured parallel to the barrel;
- (d) a mortar, bazooka, rocket propelled grenade or similar large calibre military firearm designed to fire an explosive or projectile or any other similar prescribed firearm;
- (da) a cannon which is not a black powder ball firing cannon;
- (e) any other firearm prescribed for the purposes of this category;

S. 3(1) def. of *category E longarm* amended by Nos 22/1998 s. 4(c), 28/2003 s. 3(1)(e), 50/2007 s. 3(1)(e), 21/2008 s. 7(b).

- (f) any other firearm that is declared under section 3A(1) to be a category E longarm;
- (g) any other firearm that is declared under section 3B(1)(b) to be a category E longarm;

Chief Commissioner means the Chief Commissioner of Police appointed under the **Police Regulation Act 1958**;

close associate, in relation to the holder of a dealers licence, means a person—

- (a) who is able to exercise a significant influence over or with respect to the conduct of the business conducted under the dealers licence because that person—
 - (i) holds an interest in the capital or assets of that business or is entitled to receive any income derived from that business (whether the entitlement arises at law or in equity or otherwise); or
 - (ii) holds any power (whether exercisable by voting or otherwise and whether exercisable alone or in association with others) to participate in any managerial or executive decision in that business or to appoint any person to a position of management in that business (whether in the capacity of director, manager or secretary or in any other capacity); or

S. 3(1) def. of
*close
associate*
inserted by
No. 28/2003
s. 3(1)(c).

(b) who participates in the management of the business conducted under the licence (whether in the capacity of director, manager or secretary or in any other capacity)—

and, in relation to an applicant for a dealers licence, means any person who would, if a licence were issued to the applicant, be a person to whom paragraph (a) or (b) would apply;

Committee means the Firearms Appeals Committee established under Part 9;

dealers licence means a firearms dealers licence issued under section 60;

Department has the same meaning as in the **Public Administration Act 2004**;

S. 3(1) def. of ***Department*** amended by Nos 46/1998 s. 7(Sch. 1), 108/2004 s. 117(1) (Sch. 3 item 78.1(a)).

Department Head has the same meaning as in the **Public Administration Act 2004**;

S. 3(1) def. of ***Department Head*** amended by Nos 46/1998 s. 7(Sch. 1), 108/2004 s. 117(1) (Sch. 3 item 78.1(b)).

Director, Police Integrity means the Director, Police Integrity under section 7 of the **Police Integrity Act 2008**;

S. 3(1) def. of ***Director, Police Integrity*** inserted by No. 34/2008 s. 143(Sch. 2 item 7.1).

S. 3(1) def. of
dispose of
substituted by
No. 28/2003
s. 3(1)(b).

dispose of, in relation to any thing, includes—

- (a) selling the thing;
- (b) offering to sell the thing;
- (c) having the thing in possession for the purposes of sale, barter or exchange—

(whether or not the thing is to remain in Victoria) but does not include lending the thing;

S. 3(1) def. of
domestic partner
inserted by
No. 72/2001
s. 3(Sch.
item 8.1),
substituted by
No. 12/2008
s. 73(1)(Sch. 1
item 23.1).

domestic partner of a person means—

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

drug has the same meaning as in the **Road Safety Act 1986**;

firearm means any device, whether or not assembled or in parts—

S. 3(1) def. of *firearm* amended by Nos 22/1998 s. 4(d), 28/2003 s. 3(1)(f), 50/2007 s. 3(1)(f), 52/2010 s. 3(1)(c), 12/2012 s. 7(2).

- (a) which is designed or adapted, or is capable of being modified, to discharge shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means; and
- (b) whether or not operable or complete or temporarily or permanently inoperable or incomplete—

and which is not—

- (c) an industrial tool powered by cartridges containing gunpowder or compressed air or other gases which is designed and intended for use for fixing fasteners or plugs or for similar purposes; or
- (d) a captive bolt humane killer; or
- (e) a spear gun designed for underwater use; or
- (f) a device designed for the discharge of signal flares; or

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- (h) a device commonly known as a kiln gun or ringblaster, designed specifically for knocking out or down solid material in kilns, furnaces or cement silos; or
- (i) a device commonly known as a line thrower designed for establishing lines between structures or natural features and powered by compressed air to other

compressed gases and used for rescue purposes, rescue training or rescue demonstration; or

(j) a device of a prescribed class;

firearms ammunition collectors licence means a firearms ammunition collectors licence issued under section 28;

S. 3(1) def. of *firearms collectors licence* amended by Nos 28/2003 s. 3(1)(h), 78/2005 s. 3(1)(d).

firearms collectors licence means a firearms collectors licence issued under section 21, 21A or 21B;

firearms heirlooms licence means a firearms heirlooms licence issued under section 25;

S. 3(1) def. of *fixed ammunition* repealed by No. 22/1998 s. 4(e).

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S. 3(1) def. of *general category handgun* inserted by No. 28/2003 s. 3(1)(c).

general category handgun means a handgun that is not a category E handgun;

S. 3(1) def. of *general category handgun licence* inserted by No. 28/2003 s. 3(1)(c).

general category handgun licence means a handgun licence issued under section 15;

handgun means a firearm that—

(a) is reasonably capable of being carried or concealed about the person; or

- (b) is reasonably capable of being raised and fired by one hand; or
- (c) does not exceed 65 centimetres in length measured parallel to the barrel;

handgun licence means a licence issued under section 15 or section 16A;

S. 3(1) def. of *handgun licence* amended by No. 28/2003 s. 3(1)(g).

handgun security guard licence means a handgun licence issued under section 15(1)(a) for the occupation of security guard;

S. 3(1) def. of *handgun security guard licence* inserted by No. 78/2005 s. 3(1)(a).

handgun target shoot means a handgun target shoot that complies with section 16(8);

S. 3(1) def. of *handgun target shoot* inserted by No. 78/2005 s. 3(1)(a).

handgun target shooting licence means a handgun licence issued under section 15(1)(b) for target shooting;

S. 3(1) def. of *handgun target shooting licence* inserted by No. 78/2005 s. 3(1)(a).

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S. 3(1) def. of *infringement penalty* repealed by No. 32/2006 s. 94(Sch. item 20(1)).

inter-State licence means a licence (however described) to possess, carry or use a firearm issued in a prescribed State or a prescribed Territory which corresponds with a licence issued under Part 2;

S. 3(1) def. of *inter-State licence* inserted by No. 22/1998 s. 4(g).

S. 3(1) def. of
*inter-State
permit to
acquire*
inserted by
No. 84/1997
s. 42(a).

inter-State permit to acquire means a permit (however described) to acquire a firearm issued in a prescribed State or a prescribed Territory which corresponds with a permit to acquire;

S. 3(1) def. of
*junior
handgun
target
shooting
licence*
inserted by
No. 78/2005
s. 3(1)(a).

junior handgun target shooting licence means a junior licence issued for the purposes of receiving instruction in the use of handguns or engaging in sport or target shooting competitions;

junior licence means a licence issued under section 18;

S. 3(1) def. of
*known
information*
inserted by
No. 28/2003
s. 3(1)(c).

known information in relation to a close associate, means any records about the close associate kept by or on behalf of—

- (a) the Chief Commissioner; or
- (b) any person holding a position equivalent to that of the Chief Commissioner in the Commonwealth or in any other State or Territory of the Commonwealth or in any other country;

licensed firearms dealer means a person who is the holder of a dealers licence;

licensed premises in relation to dealers licence, means the premises specified in dealers licence;

longarm means any firearm other than a handgun;

longarm licence means a licence issued under section 9;

machine gun means a firearm which can fire more than one projectile with a single pressure of the trigger or other like appliance;

member of staff of the Office of Police Integrity has the same meaning as it has in the **Police Integrity Act 2008**;

S. 3(1) def. of *member of staff of the Office of Police Integrity* inserted by No. 34/2008 s. 143(Sch. 2 item 7.1).

member of the police force has the same meaning as ***member of the force*** in the **Police Regulation Act 1958**;

midwife means a person registered under the Health Practitioner Regulation National Law—

S. 3(1) def. of *midwife* inserted by No. 13/2010 s. 51(Sch. item 23.3).

- (a) to practise in the nursing and midwifery profession as a midwife (other than as a student); and
- (b) in the register of midwives kept for that profession;

nominated officer means a person nominated under section 123N;

S. 3(1) def. of *nominated officer* inserted by No. 28/2003 s. 3(1)(c).

nominated person means any person nominated in an application for a licence under Part 2 or Part 3 or any person nominated in the place of that person during the course of the licence, notice of whose nomination has been given to the Chief Commissioner;

non-prohibited person means a person who is not a prohibited person;

S. 3(1) def. of
nurse
inserted by
No. 13/2010
s. 51(Sch.
item 23.3).

nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a midwife or as a student);

S. 3(1) def. of
officer
amended by
Nos 44/2001
s. 3(Sch.
item 45),
21/2008 s. 12.

officer—

- (a) in relation to a body corporate which is a corporation within the meaning of the Corporations Act, has the same meaning as in section 9 of that Act; and
- (b) in relation to a body corporate which is not a corporation within the meaning of that Act, means any person (by whatever name called) who is concerned in or takes part in the management of the body corporate—

but does not include an employee of the body corporate;

S. 3(1) def. of
paintball
inserted by
No. 78/2005
s. 3(1)(a).

paintball means a projectile that primarily consists of a dye or similar substance designed to mark a person or object;

S. 3(1) def. of
*paintball
marker*
inserted by
No. 78/2005
s. 3(1)(a).

paintball marker means a firearm that is designed to discharge a paintball;

S. 3(1) def. of
*paintball
marker
licence*
inserted by
No. 78/2005
s. 3(1)(a).

paintball marker licence means a licence issued under section 9(6);

S. 3(1) def. of
percussion
inserted by
No. 78/2005
s. 3(1)(a).

percussion means a means of ignition in a firearm in which metallic chemical compounds or fulminates are used to ignite the main powder charge;

permit to acquire means a permit issued under section 103;

pest animal has the same meaning as in the **Catchment and Land Protection Act 1994**;

S. 3(1) def. of *pest animal* inserted by No. 22/1998 s. 4(g).

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S. 3(1) def. of *pest animal* repealed by No. 30/1999 s. 32(a).

possession in relation to a firearm, includes—

- (a) actual physical possession of the firearm; or
- (b) custody or control of the firearm; or
- (c) having and exercising access to the firearm, either solely or in common with others;

prescribed State means a State which has been prescribed for the purposes of the definition of inter-State permit to acquire;

S. 3(1) def. of *prescribed State* inserted by No. 84/1997 s. 42(a).

prescribed Territory means a Territory which has been prescribed for the purposes of the definition of inter-State permit to acquire;

S. 3(1) def. of *prescribed Territory* inserted by No. 84/1997 s. 42(a).

private security business means a business that is carried on by the holder of a private security business licence under Part 3 of the **Private Security Act 2004**;

S. 3(1) def. of *private security business* inserted by No. 50/2007 s. 3(1)(a).

S. 3(1) def. of *prohibited person* amended by Nos 84/1997 s. 42(b), 22/1998 s. 4(f), 30/1999 s. 30, 28/2003 s. 3(1)(i), 50/2007 s. 3(1)(g), 52/2008 s. 245, 68/2008 s. 70, 53/2010 s. 221(Sch. item 5.1), 65/2011 s. 107(Sch. items 6.1, 6.2).

prohibited person means—

- (a) a person who is serving a term of imprisonment for—
 - (i) an indictable offence; or
 - (ii) an assault; or
 - (iii) an offence under the **Drugs, Poisons and Controlled Substances Act 1981**; or
 - (iiiia) an offence under the **Control of Weapons Act 1990**—or, in relation to a person—
 - (iv) not more than 15 years have expired since the person finished serving a term of imprisonment of 5 years or more for such an offence; or
 - (v) not more than 5 years have expired since the person finished serving a term of imprisonment of less than 5 years for such an offence; or
- (b) a person who is serving a term of imprisonment in another State or a Territory for an offence of a corresponding nature to an offence listed in paragraph (a) or in relation to a person—
 - (i) not more than 15 years have expired since the person finished serving a term of imprisonment in another State or a Territory of 5 years or more for such an offence; or

-
- (ii) or not more than 5 years have expired since that person finished serving a term of imprisonment in another State or a Territory of less than 5 years for such an offence; or
- (ba) a person—
- (i) who is serving a term of imprisonment for an offence under section 321 or 321A of the **Crimes Act 1958**; or
- (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment for an offence specified in subparagraph (i); or
- (bb) a person—
- (i) who is serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence of a corresponding nature to an offence specified in paragraph (ba)(i); or
- (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence specified in paragraph (ba)(i); or

-
- (c) a person who is subject to—
- (i) a final order under the **Family Violence Protection Act 2008** that does not include conditions cancelling or revoking a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
 - (ia) a final order under the **Family Violence Protection Act 2008** that does include conditions cancelling or revoking a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
 - (ib) a final order under the **Personal Safety Intervention Orders Act 2010** that does not cancel or suspend a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
 - (ic) a final order under the **Personal Safety Intervention Orders Act 2010** that does cancel or suspend a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
 - (ii) an old community-based order, within the meaning of clause 1 of Schedule 3 to the **Sentencing Act 1991**; or

(iia) a community correction order, within the meaning of the **Sentencing Act 1991**, that has a supervision condition attached under section 48E of the **Sentencing Act 1991**; or

(iii) a supervision order under section 26 of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**—

or, in relation to a person, not more than 5 years have expired since the person was subject to such an order; or

(d) a person, in relation to whom, not more than 12 months have expired since that person was found guilty by a court, whether in Victoria or in another State or a Territory, of—

(i) an offence against this Act, in relation to which it was open to the court to impose a term of imprisonment; or

(ii) an offence against any other Act involving the possession or use of firearms and in relation to which it was open to the court to impose a term of imprisonment; or

(iii) an indictable offence—

and who is not, by virtue of the operation of any other paragraph of this definition, a prohibited person; or

(e) any person who is of a prescribed class of persons;

* * * * *

protective services officer means a protective services officer under Part VIA of the **Police Regulation Act 1958**;

S. 3(1) def. of *provisional general category handgun licence* inserted by No. 78/2005 s. 3(1)(a).

provisional general category handgun licence means a provisional licence issued under section 58A;

S. 3(1) def. of *public place* inserted by No. 25/2009 s. 8(b).

public place has the same meaning as it has in section 3 of the **Summary Offences Act 1966**;

pump action shotgun means a shotgun which is, or has been at any time, constructed with an action which includes a moveable forearm or fore-end which is manually activated by a motion parallel to the barrel by the person using the gun;

S. 3(1) def. of *registered* inserted by No. 28/2003 s. 3(1)(c).

registered means registered under Part 5;

S. 3(1) def. of *registered medical practitioner* substituted by Nos 97/2005 s. 182(Sch. 4 item 20(a)), 13/2010 s. 51(Sch. item 23.1(a)).

registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

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S. 3(1) def. of *registered nurse* substituted by No. 97/2005 s. 182(Sch. 4 item 20(b)), repealed by No. 13/2010 s. 51(Sch. item 23.2).

registered psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student);

S. 3(1) def. of *registered psychologist* substituted by No. 41/2000 s. 102(Sch. item 4), amended by No. 97/2005 s. 182(Sch. 4 item 20(c)), substituted by No. 13/2010 s. 51(Sch. item 23.1(b)).

responsible person means—

- (a) in the case of a body corporate, any officer of the body corporate or the person nominated in an application for a licence by a body corporate under Part 2 or 3; or
- (b) in the case of a Department—
 - (i) the person authorised by the Department Head to make an application for a licence under Part 2; or
 - (ii) the person nominated in an application for a licence on behalf of a Department under Part 2;

S. 3(1) def. of
*restricted
ammunition*
inserted by
No. 78/2005
s. 3(1)(a).

restricted ammunition, in relation to a handgun, means any ammunition for use in the handgun that—

- (a) is not factory manufactured; or
- (b) is not recommended by the manufacturer of the handgun as being appropriate for that handgun; or
- (c) is a magnum load or a full metal case projectile;

semi-automatic when used to describe a rifle or shotgun, means a rifle or shotgun which is constructed or has been, at any time, constructed so that—

- (a) each bullet or missile is discharged by a separate application of pressure to the trigger; and
- (b) the energy of the discharge is used as part of the reloading cycle of the rifle or shotgun (as the case may be);

S. 3(1) def. of
serial number
inserted by
No. 52/2010
s. 3(1)(b).

serial number, of a firearm, means a number that enables the firearm to be individually identified that has been—

- (a) assigned to the firearm by its manufacturer; or
- (b) stamped or otherwise affixed to the firearm in accordance with section 119A or 119B;

shooting gallery means any room, gallery, saloon, land or premises used with the permission of a Council (within the meaning of the **Local Government Act 1989**) for the purpose of practising shooting with airguns, other than paintball guns, whether on payment or otherwise;

silencer means any instrument or thing by means of which the sound caused by the discharge of a firearm is rendered less audible, whether the instrument or thing forms part of the firearm or is or can be affixed or attached to the firearm;

single shot antique handgun means an antique handgun that is a black powder handgun that is capable of firing one shot only before requiring reloading;

S. 3(1) def. of *single shot antique handgun* inserted by No. 78/2005 s. 3(1)(a).

spouse of a person means a person to whom the person is married;

S. 3(1) def. of *spouse* inserted by No. 72/2001 s. 3(Sch. item 8.1).

term of imprisonment includes—

- (a) a term that is suspended wholly or partly; and
- (b) any term of imprisonment that is served by way of intensive correction in the community within the meaning of the **Sentencing Act 1991** as in force before the commencement of section 15 of the **Sentencing Amendment (Community Correction Reform) Act 2011**; and
- (c) any period during which a person has been released on parole under the **Corrections Act 1986**; and
- (d) any period of detention in a youth justice centre;

S. 3(1) def. of *term of imprisonment* amended by Nos 48/2006 s. 42(Sch. item 14), 25/2009 s. 8(a), 65/2011 s. 107(Sch. item 6.3).

vehicle includes motor vehicle, aircraft and vessel;

S. 3(1) def. of *vehicle* inserted by No. 25/2009 s. 8(b), amended by No. 52/2010 s. 3(1)(d).

s. 3

S. 3(1) def. of *work purposes in Victoria* inserted by No. 52/2010 s. 3(1)(b).

work purposes in Victoria, in relation to the requirement to hold a firearm licence, means that the applicant or the holder of the licence, as the case may be—

- (a) is required under a contract of employment or a contract for services to hold a Victorian firearm licence; or
- (b) in the normal course of conducting a business is required to hold a Victorian firearm licence.

S. 3(1A) inserted by No. 72/2001 s. 3(Sch. item 8.2), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 23.2).

(1A) For the purposes of the definition of *domestic partner* in subsection (1)—

- (a) *registered relationship* has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
- (c) a person is not a domestic partner of another person only because they are co-tenants.

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S. 3(2) amended by No. 50/2007 s. 3(2), repealed by No. 52/2010 s. 3(2).

S. 3(3) inserted by No. 28/2003 s. 3(2).

(3) For the purposes of this Act, in determining whether a particular offence is a first offence, any other offence in respect of which a conviction was recorded or a finding of guilt was made 10 years or more before the commission of the particular offence, is to be disregarded.

- (4) This Act does not apply to a firearm that was manufactured before 1900, if—
- (a) in the case of any such firearm that is a longarm—
 - (i) it does not take cartridge ammunition; or
 - (ii) if it does take cartridge ammunition, the cartridge ammunition that it takes is not commercially available; or
 - (b) the firearm—
 - (i) is not a handgun of a type that uses percussion, or methods developed during or after the development of percussion, as a means of ignition; or
 - (ii) is a single shot antique handgun.

S. 3(4)
inserted by
No. 28/2003
s. 3(2).

S. 3(4)(b)
amended by
No. 78/2005
s. 3(2),
substituted by
No. 50/2007
s. 3(3).

3A Temporary declarations by the Chief Commissioner for the purposes of certain definitions

S. 3A
(Heading)
amended by
No. 21/2008
s. 8.

- (1) The Chief Commissioner may, for the purposes of—
- (a) paragraph (f) of the definition of *category D longarm*; or
 - (b) paragraph (c) of the definition of *category E handgun*; or
 - (c) paragraph (f) of the definition of *category E longarm*—

S. 3A
inserted by
No. 50/2007
s. 4.

in consultation with the Minister, by instrument, declare a firearm or type of firearm to be a category D longarm, a category E handgun or a category E longarm (as the case may be).

- (2) The Chief Commissioner must cause a declaration made under subsection (1) to be published in the Government Gazette as soon as practicable after the declaration is made.

- (3) A declaration under subsection (1) remains in force for a period of 12 months from the day on which it is published unless it is revoked during that time by the Chief Commissioner.
- (4) The Chief Commissioner must notify each person whom the Chief Commissioner is aware is in possession of a firearm to which a declaration under subsection (1) applies of the declaration.
- (5) The Chief Commissioner must not make a declaration referred to in subsection (1) in respect of the same type of firearm more than once.
- (6) If the Chief Commissioner makes a declaration under subsection (1) declaring a firearm or a type of firearm to be of a particular category and there is in force a regulation prescribing another category for the firearm or type of firearm—
 - (a) the declaration has effect despite the regulation; and
 - (b) the regulation is to be taken to have no force or effect for so long as the declaration is in force.
- (7) In any proceeding for an offence under section 6(4), 6(5) or 7(2) in respect of a firearm that is declared to be a category D longarm, a category E handgun or a category E longarm, it is a defence to the charge if the person has not been notified by the Chief Commissioner of the declaration under subsection (4).

S. 3B
inserted by
No. 21/2008
s. 9.

3B Permanent declarations by the Chief Commissioner for the purposes of certain definitions

- (1) The Chief Commissioner, by instrument, may declare a firearm or type of firearm that would otherwise be a category A longarm, category B longarm or category C longarm to be—

-
- (a) a category D longarm; or
- (b) a category E longarm—
- if the Chief Commissioner is satisfied that the firearm or type of firearm subject to the declaration is designed or adapted for military purposes, or substantially duplicates a firearm of that type in design, function or appearance.
- (2) In choosing whether a firearm or type of firearm is to be declared a category D longarm or category E longarm, the Chief Commissioner must have regard to which of those categories the firearm or type of firearm most closely resembles.
- (3) The Chief Commissioner must cause a declaration under subsection (1) to be published in the Government Gazette as soon as practicable after the declaration is made.
- (4) A declaration under subsection (1) takes effect on the day it is published in the Government Gazette or on the later day specified in the declaration.
- (5) The Chief Commissioner must notify each person whom the Chief Commissioner is aware is in possession of a firearm to which a declaration under subsection (1) applies of the declaration.
- (6) If the Chief Commissioner makes a declaration under subsection (1) declaring a firearm or a type of firearm to be a category D longarm or a category E longarm, the firearm or type of firearm is, for the purposes of this Act, taken to be a firearm or type of firearm of that category only, despite anything to the contrary in section 3 or 3A or the regulations.
- (7) In any proceeding for an offence under section 6(4) or 6(5) in respect of a firearm that is declared under subsection (1) to be a category D longarm or a category E longarm, it is a defence to the charge if the person has not been notified by

the Chief Commissioner of the declaration under subsection (5).

4 Act binds the Crown

This Act binds the Crown in right of Victoria and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

**PART 2—POSSESSION, CARRIAGE OR USE OF FIREARMS
AND RELATED ITEMS**

Division 1—Offences

5 Offence for prohibited person to possess, carry or use a firearm

(1) A prohibited person must not possess, carry or use a firearm.

Penalty: 1200 penalty units or 10 years imprisonment.

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S. 5(1)
amended by
Nos 28/2003
s. 4(1),
12/2012
s. 8(1).

S. 5(1A)
inserted by
No. 28/2003
s. 4(2),
repealed by
No. 12/2012
s. 8(2).

(2) A prohibited person must not possess, carry or use—

(a) a silencer; or

(b) any other prescribed item.

Penalty: 480 penalty units or 8 years imprisonment.

S. 5(2)
amended by
No. 28/2003
s. 4(3).

6 Offence for non-prohibited person to possess, carry or use a longarm without a licence

(1) A non-prohibited person must not possess, carry or use a category A longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 120 penalty units or 2 years imprisonment.

S. 6(1)
amended by
No. 28/2003
s. 5(1).

Firearms Act 1996
No. 66 of 1996

Part 2—Possession, Carriage or Use of Firearms and Related Items

s. 6

S. 6(2)
amended by
No. 28/2003
s. 5(2).

(2) A non-prohibited person must not possess, carry or use a category B longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 120 penalty units or 2 years imprisonment.

S. 6(3)
amended by
No. 28/2003
s. 5(3).

(3) A non-prohibited person must not possess, carry or use a category C longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 240 penalty units or 4 years imprisonment.

S. 6(4)
amended by
No. 28/2003
s. 5(4).

(4) A non-prohibited person must not possess, carry or use a category D longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 240 penalty units or 4 years imprisonment.

S. 6(5)
amended by
No. 28/2003
s. 5(5).

(5) A non-prohibited person must not possess, carry or use a category E longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 600 penalty units or 7 years imprisonment.

S. 6(5A)
inserted by
No. 78/2005
s. 4.

(5A) A non-prohibited person must not possess carry or use a paintball marker unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 120 penalty units or 2 years imprisonment.

- (6) A non-prohibited person must not possess, carry or use a longarm that is not a category A, B, C, D or E longarm.

S. 6(6)
substituted by
No. 28/2003
s. 5(6).

Penalty: 240 penalty units or 4 years imprisonment.

6A Offence to possess, carry or use an unregistered longarm

S. 6A
inserted by
No. 28/2003
s. 6.

- (1) A non-prohibited person must not possess, carry or use a category A or category B longarm that is not registered.

S. 6A(1)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.1(a)).

Penalty: For a first offence, 120 penalty units or 2 years imprisonment;

For a second or subsequent offence,
1200 penalty units or 10 years
imprisonment.

- (2) A non-prohibited person must not possess, carry or use a category C or category D longarm that is not registered.

S. 6A(2)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.1(b)).

Penalty: For a first offence, 240 penalty units or 4 years imprisonment;

For a second or subsequent offence,
1200 penalty units or 10 years
imprisonment.

- (3) A non-prohibited person must not possess, carry or use a category E longarm that is not registered.

S. 6A(3)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.1(c)).

Penalty: For a first offence, 600 penalty units or 7 years imprisonment;

For a second or subsequent offence,
1200 penalty units or 10 years
imprisonment.

s. 7

S. 6A(4)
inserted by
No. 78/2005
s. 5.

- (4) A non-prohibited person must not possess, carry or use a paintball marker that is not registered.

Penalty: For a first offence, 120 penalty units or 2 years imprisonment;

For a second or subsequent offence, 1200 penalty units or 10 years imprisonment.

S. 7
substituted by
No. 28/2003
s. 7.

7 Offence for non-prohibited person to possess, carry or use a handgun without a licence

- (1) A non-prohibited person must not possess, carry or use a registered general category handgun for purposes other than the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under Division 3 or 5 of this Part.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) A non-prohibited person must not possess, carry or use a registered category E handgun for purposes other than the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under Division 3 of this Part.

Penalty: 600 penalty units or 7 years imprisonment.

- (3) A non-prohibited person must not possess, carry or use a registered general category handgun, that was manufactured before 1 January 1947, for the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under section 21 or section 25.

Penalty: 240 penalty units or 4 years imprisonment.

- (4) A non-prohibited person must not possess, carry or use a registered category E handgun for the purpose of collecting handguns unless that person does so under and in accordance with a licence issued under section 21 or section 25.

Penalty: 600 penalty units or 7 years imprisonment.

- (5) A non-prohibited person must not possess, carry or use a registered general category handgun, that was manufactured on or after 1 January 1947, for the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under section 21A.

Penalty: 240 penalty units or 4 years imprisonment.

- (6) A non-prohibited person must not possess, carry or use a registered category E handgun, that was manufactured on or after 1 January 1947, for the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under section 21A.

Penalty: 600 penalty units or 7 years imprisonment.

7A Offences for certain types of handguns

S. 7A
(Heading)
substituted by
No. 78/2005
s. 6(1).

S. 7A
inserted by
No. 28/2003
s. 8.

- (1) A person who is the holder of a handgun target shooting licence must not possess, carry or use—
- (a) unless authorised by the Chief Commissioner under subsection (2), any handgun that has a barrel length of—

S. 7A(1)
amended by
No. 78/2005
s. 6(2).

s. 7A

- (i) in the case of a semi-automatic handgun, less than 120 mm; or
- (ii) in the case of a revolver or single shot handgun, less than 100 mm; or
- (b) unless authorised by the Chief Commissioner under subsection (4) any handgun that has a calibre of more than .45 inch; or
- (c) unless authorised by the Chief Commissioner under subsection (4), any handgun that has a calibre of more than .38 inch but not more than .45 inch; or
- (d) a handgun that has a magazine with a capacity of more than 10 rounds.

Penalty: 240 penalty units or 4 years imprisonment.

S. 7A(2)
amended by
No. 78/2005
s. 6(3).

- (2) Upon application by a person who is the holder of, or an applicant for, a handgun target shooting licence, the Chief Commissioner may authorise the applicant to possess, carry or use a general category handgun that has a barrel length—
 - (a) in the case of a semi-automatic handgun, of less than 120 mm; or
 - (b) in the case of a revolver or single shot handgun, of less than 100 mm.

S. 7A(3)(a)
amended by
No. 78/2005
s. 6(4).

- (3) In granting an authorisation under subsection (2) the Chief Commissioner may have regard to—
 - (a) whether or not the handgun is required for participation in approved handgun target shooting matches; and
 - (b) the experience of the applicant in the use of handguns for target shooting; and

- (c) whether or not the handgun is appropriate for possession, carriage or use for target shooting; and
 - (d) the general size, appearance and other characteristics of the handgun; and
 - (e) any other relevant matter.
- (4) Upon application by a person who is the holder of or an applicant for a handgun target shooting licence, the Chief Commissioner may authorise the applicant to possess, carry or use a general category handgun—
- (a) that has a calibre of more than .45 inch; or
 - (b) that has a calibre of more than .38 inch but not more than .45 inch.
- (5) In granting an authorisation under subsection (4) the Chief Commissioner may have regard to—
- (a) whether or not the handgun is required for participation in approved handgun target shooting matches; and
 - (b) the experience of the applicant in the use of handguns for target shooting; and
 - (c) whether or not a club to which the applicant belongs or at which the applicant intends to use the handgun is adapted to enable ammunition that may be used in a firearm of the calibre applied for to be used appropriately and safely; and
 - (d) whether or not the handgun is appropriate for possession, carriage or use for target shooting; and
 - (e) the general size, appearance and other characteristics of the handgun; and
 - (f) any other relevant matter.

S. 7A(4)
amended by
No. 78/2005
s. 6(5).

S. 7A(5)(a)
amended by
No. 78/2005
s. 6(6)(a).

S. 7A(5)(c)
amended by
No. 78/2005
s. 6(6)(b).

s. 7A

S. 7A(6)
substituted by
No. 78/2005
s. 6(7).

(6) This section does not apply to a black powder handgun.

S. 7A(7)
inserted by
No. 78/2005
s. 6(7).

(7) This section does not apply to a person who is the holder of a handgun target shooting licence—

- (a) who possesses, carries or uses a general category handgun, that is of a class to which subsection (1)(a), (b) or (c) applies, on an approved shooting range for the purpose of determining whether or not to purchase the handgun or apply for an authorisation under this section for the handgun; or
- (b) who possesses, carries or uses a general category handgun, that is of a class to which subsection (1)(a), (b) or (c) applies, in an approved handgun target shooting match at an approved shooting range as the result of the malfunction of another handgun being used by that person in that match; or
- (c) who possesses, carries or uses a general category handgun, that is of a class to which subsection (1)(a), (b) or (c) applies, for the purposes of instructing another person in the use of the handgun; or
- (d) who possesses a general category handgun, that is of a class to which subsection (1)(a), (b) or (c) applies, for the purposes of storing the handgun.

7B Offence to possess, carry or use an unregistered handgun

S. 7B
inserted by
No. 28/2003
s. 8.

- (1) A person must not possess, carry or use a general category handgun that is not registered.

Penalty: For a first offence, 600 penalty units or 7 years imprisonment;
For a second or subsequent offence, 1200 penalty units or 10 years imprisonment.

S. 7B(1)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.2(a)).

- (2) A person must not possess, carry or use a category E handgun that is not registered.

Penalty: For a first offence, 1800 penalty units or 14 years imprisonment;
For a second or subsequent offence, 2100 penalty units or 17 years imprisonment.

S. 7B(2)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.2(b)).

7C Possession of a traffickable quantity of unregistered firearms

S. 7C
inserted by
No. 28/2003
s. 8.

- (1) A person must not possess more than 10 firearms that are not registered.

Penalty: 1200 penalty units or 10 years imprisonment.

- (2) Subsection (1) does not apply if, in respect of any one of the 10 firearms, the person has given a notice to the Chief Commissioner under section 115.

- (3) A person who is convicted or found guilty of an offence against subsection (1) is not liable to be convicted or found guilty of an offence against section 5(1), section 6A(1), (2) or (3) or section 7B(1) or (2) in respect of possession of the same firearms at the same time.

S. 7C(3)
amended by
No. 12/2012
s. 9.

S. 8
amended by
No. 22/1998
s. 43(Sch.
item 1).

8 Offence to acquire, dispose of possess or carry cartridge ammunition for collections

A person must not acquire, dispose of, possess or carry cartridge ammunition for the purposes of collecting cartridge ammunition unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 60 penalty units or 12 months imprisonment.

S. 8A
inserted by
No. 52/2010
s. 4.

8A Proof of registration of firearm

In any proceedings for an offence under this Act, evidence that—

- (a) a firearm does not have a serial number; or
- (b) the serial number of a firearm has been erased, defaced or altered; or
- (c) the serial number of a firearm is illegible—

is admissible to establish that the firearm is not registered and, in the absence of evidence to the contrary, is proof of that fact.

Division 2—Longarm licences

9 Issue of longarm licences

- (1) The Chief Commissioner may licence a person to possess, carry or use registered category A longarms for the reason specified in the licence.
- (2) The Chief Commissioner may licence a person to possess, carry or use registered category B longarms for the reason specified in the licence.

(3) The Chief Commissioner may licence a person to possess, carry or use—

S. 9(3)
substituted by
No. 26/1997
s. 18.

(a) for the reason of clay target shooting—

(i) more than one registered category C longarm, being shotguns, if the Chief Commissioner is satisfied that the person has a genuine need to possess, carry or use more than one such longarm; or

(ii) in any other case, not more than one registered category C longarm, being a shotgun; or

(b) for any other reason set out in section 11(1)(a)—

(i) not more than one registered category C longarm, being a rifle; and

(ii) not more than one registered category C longarm, being a shotgun; or

S. 9(3)(b)(ii)
amended by
No. 21/2008
s. 10(a).

(c) for a reason set out in section 11(1)(a)(i) or (iv)—

S. 9(3)(c)
inserted by
No. 21/2008
s. 10(b).

(i) more than one registered category C longarm, being tranquilliser guns, if the Chief Commissioner is satisfied that the person has a genuine need to possess, carry or use more than one such longarm; or

(ii) in any other case, not more than one registered category C longarm, being a tranquilliser gun.

(4) The Chief Commissioner may licence a person to possess, carry or use—

(a) not more than one registered category D longarm, being a rifle; and

(b) not more than one registered category D longarm, being a shotgun—

for the reason specified in the licence.

(5) The Chief Commissioner may licence a person to possess, carry or use one or more category E longarms for the reason specified in the licence.

(6) The Chief Commissioner may licence a person to possess, carry or use a registered paintball marker for the reason specified in the licence.

S. 9(6)
inserted by
No. 78/2005
s. 7.

10 Reasons for applying for longarm licence, category A or B

(1) The Chief Commissioner must not issue a longarm licence for category A or B longarms unless the applicant can demonstrate that the licence is required for one or more of the following reasons—

(a) for sport or target shooting;

(b) for hunting;

(c) for primary production;

(d) for the occupation of security guard or prison guard;

(e) for an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations.

(2) For the purpose of demonstrating that the licence is required for—

(a) sport or target shooting—

(i) the applicant must be a member of a shooting club or shooting organisation which is approved by the Chief Commissioner; and

S. 10(1)(e)
amended by
No. 22/1998
s. 5(1).

- (ii) the applicant must engage in sport or target shooting only at a place which is authorised by or under this Act as a place at which sport or target shooting using category A or B longarms may take place;

S. 10(2)(a)(ii) amended by No. 22/1998 s. 5(2)(a), substituted by No. 78/2005 s. 8(1).

(b) hunting, the applicant must—

- (i) produce written evidence that the applicant owns, occupies or manages the land on which he or she intends to hunt; or

- (ia) the applicant must be a member of a shooting club or shooting organisation which is approved by the Chief Commissioner; or

S. 10(2)(b)(ia) inserted by No. 78/2005 s. 8(2).

- (ii) produce written evidence from the owner or manager of any privately owned land on which he or she intends to hunt that he or she may be permitted from time to time to use that land for the purposes of hunting; or

- (iii) if the applicant is the holder of a game licence issued under the **Wildlife Act 1975**, produce the licence; or

- (iv) produce written evidence that he or she is from time to time formally employed, engaged or contracted to shoot pest animals or take game; or

S. 10(2)(b)(iv) amended by No. 22/1998 s. 5(2)(b).

- (v) produce written permission to hunt pest animals on Crown land, from the Secretary to the Department of Natural Resources and Environment or from any person nominated by the Secretary to give that permission;

S. 10(2)(b)(v) inserted by No. 22/1998 s. 5(2)(b).

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S. 10(2)(d)(i)
amended by
Nos 33/2004
s. 207, 50/2007
s. 5(a).

S. 10(2)(d)(ii)
amended by
No. 50/2007
s. 5(b).

S. 10(2)(e)
substituted by
No. 22/1998
s. 5(2)(c).

S. 10(4)
inserted by
No. 22/1998
s. 5(3).

- (c) primary production, the applicant must produce evidence that he or she is regularly engaged in the business of primary production as an owner, lessee or manager of land used for the primary production or is a person employed for the purposes of such a business;
 - (d) the occupation of security or prison guard, the applicant must—
 - (i) hold a licence under the **Private Security Act 2004** that authorises him or her to perform armed guard activities or cash-in-transit activities or be a prison officer, a contractor or a sub-contractor within the meaning of the **Corrections Act 1986** or an employee of such a contractor or sub-contractor; and
 - (ii) produce evidence that the applicant has a genuine need for the licence because the duties he or she performs as a security guard, prison officer, contractor, sub-contractor or employee are such as to require the carriage or use of a category A or B longarm;
 - (e) for a purpose specified in subsection (1)(e), the applicant must produce evidence that the licence is required for that purpose.
- (3) The Chief Commissioner may approve any shooting club or shooting organisation for the purposes of subsection (2).
- (4) A non-prohibited person who has made an application to the Chief Commissioner for an approval under subsection (3) may apply to the Committee for a review of a decision of the Chief Commissioner not to grant the approval or for a

review of a failure of the Chief Commissioner to make the decision within a reasonable time.

- (5) The Chief Commissioner may—
- (a) impose conditions on any approval under subsection (3); and
 - (b) after notifying the holder of the approval, alter any such condition.

S. 10(5)
inserted by
No. 22/1998
s. 5(3).

11 Reasons for applying for a longarm licence, category C

- (1) The Chief Commissioner must not issue a longarm licence for category C longarms unless—
- (a) the applicant can demonstrate that the licence is required for one of the following reasons—
 - (i) primary production;
 - (ii) professional hunting;
 - (iii) clay target shooting;
 - (iv) an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations;
 - (v) possessing a category C longarm, being a shotgun, for carriage and use by the holder of a junior licence for the purpose of clay target shooting; and
 - (b) the applicant has a genuine need to possess, carry or use a category C firearm which relates to the applicant's reason for requiring the licence and which cannot be satisfied by a category A or B firearm or by other means.

S. 11(1)(a)(iv)
amended by
Nos 26/1997
s. 19(1)(a),
22/1998
s. 6(1).

S. 11(1)(a)(v)
inserted by
No. 26/1997
s. 19(1)(b).

(2) For the purposes of demonstrating that the licence is required for—

- (a) primary production, the applicant must produce evidence that he or she is substantially engaged in the business of primary production as an owner, lessee or manager of land used for primary production or is a person employed, full time, in such a business;
- (b) professional hunting, the applicant must produce evidence that he or she is substantially dependant on hunting as a source of income and enters into formal engagements or contracts to hunt professionally;
- (c) clay target shooting, the applicant must—
 - (i) be a member of a clay target shooting club or organisation approved by the Chief Commissioner; and
 - (ii) engage in clay target shooting only at a place which is authorised by or under this Act as a place at which clay target shooting may take place; and
 - (iii) either—
 - (A) satisfy the Chief Commissioner that he or she is physically unable to compete in clay target shooting competitions unless he or she uses a category C longarm which is a semi-automatic or pump action shotgun; or
 - (B) be a person who, on 15 November 1996, possessed a semi-automatic or pump action shotgun registered under the **Firearms Act 1958** for use in clay target shooting and

S. 11(2)(c)(ii)
substituted by
No. 22/1998
s. 6(2)(a).

S. 11(2)
(c)(iii)(B)
amended by
No. 22/1998
s. 6(2)(b).

who was, on that date, a member of a club affiliated with the Australian Clay Target Association or the Victorian Field and Game Association Incorporated or the Field and Game Federation of Australia Incorporated; and

- (iv) demonstrate other prescribed requirements;
- (d) for a purpose specified in subsection (1)(a)(iv), the applicant must produce evidence that the licence is required for that purpose; **S. 11(2)(d) substituted by No. 22/1998 s. 6(2)(c).**
- (e) possessing a category C longarm, being a shotgun, for carriage and use by the holder of a junior licence for the purpose of clay target shooting, the applicant must— **S. 11(2)(e) inserted by No. 26/1997 s. 19(2).**
- (i) demonstrate that the person who carries and uses the longarm is the holder of a junior licence and is a member of a clay target shooting club or organisation approved by the Chief Commissioner; and
- (ii) be a member of a clay target shooting club or organisation approved by the Chief Commissioner;
- (iii) demonstrate other prescribed requirements.
- (3) The Chief Commissioner may approve any clay target shooting club or clay target shooting organisation for the purposes of this Act. **S. 11(3) amended by No. 26/1997 s. 19(3).**
- (4) A non-prohibited person who has made an application to the Chief Commissioner for an approval under subsection (3) may apply to the Committee for a review of a decision of the Chief

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Commissioner not to grant the approval or for a review of a failure of the Chief Commissioner to make the decision within a reasonable time.

S. 11(5)
inserted by
No. 22/1998
s. 6(3).

- (5) The Chief Commissioner may—
- (a) impose conditions on any approval under subsection (3); and
 - (b) after notifying the holder of the approval, alter any such condition.

12 Reasons for applying for a longarm licence, category D

S. 12(1)(a)(ii)
amended by
No. 22/1998
s. 7(a).

- (1) The Chief Commissioner must not issue a longarm licence for category D longarms unless—
- (a) the applicant can demonstrate that the licence is required for one of the following reasons—
 - (i) professional hunting;
 - (ii) an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations; and
 - (b) in the case of an applicant who requires the licence for professional hunting, the Chief Commissioner is satisfied that the quarry the applicant proposes to hunt cannot be hunted with any category of firearm other than a category D longarm.
- (2) For the purposes of demonstrating that the licence is required for—
- (a) professional hunting, the applicant must produce evidence that he or she is substantially dependant on hunting as a source of income and enters into formal engagements or contracts to hunt professionally;

- (b) for a purpose specified in subsection (1)(a)(ii), the applicant must produce evidence that the licence is required for that purpose.

S. 12(2)(b) substituted by No. 22/1998 s. 7(b).

13 Reasons for applying for a longarm licence, category E

- (1) The Chief Commissioner must not issue a longarm licence for category E longarms unless—

- (a) the applicant can demonstrate that the licence is required for an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations; and

S. 13(1)(a) amended by No. 22/1998 s. 8(1).

- (b) if the application is in respect of more than one category E longarm, the applicant can demonstrate a compelling reason for more than one such longarm to be possessed, carried or used under the licence.

- (2) For the purposes of demonstrating that the licence is required for a purpose specified in subsection (1)(a), the applicant must produce evidence that the licence is required for that purpose.

S. 13(2) substituted by No. 22/1998 s. 8(2).

13A Reasons for applying for paintball marker licence

The Chief Commissioner must not issue a paintball marker licence unless the applicant can demonstrate that the licence is required for the purpose of engaging in activities that require the use of paintball markers at a location approved by the Chief Commissioner.

S. 13A inserted by No. 78/2005 s. 9.

14 Conditions applying to longarm licences

- (1) A longarm licence for a category A or B longarm is subject to—

- (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and

- (b) the special conditions specified in item 1 of Schedule 2; and
 - (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (2) A longarm licence for a category C longarm is subject to—
- (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) the special conditions specified in item 2 of Schedule 2; and
 - (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (3) A longarm licence for a category D longarm is subject to—
- (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (4) A longarm licence for a category E longarm is subject to—
- (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (5) A paintball marker licence is subject to—
- (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and

S. 14(5)
inserted by
No. 78/2005
s. 10.

- (b) any other conditions imposed on the licence or category of licence by the Chief Commissioner.

Division 3—Handgun licences

15 Issue of handgun licences for general category handguns

S. 15
(Heading)
inserted by
No. 28/2003
s. 9(1).

- (1) The Chief Commissioner may licence a person to possess, carry or use general category handguns for all or any of the following reasons—
- (a) for the occupation of security guard or prison guard;
 - (ab) for the carrying on of a private security business that provides the services of armed guard activities or cash-in-transit activities;
 - (b) for target shooting;
 - (c) for an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations;
 - (d) for possessing or carrying a general category handgun, for carriage and use by the holder of a junior handgun target shooting licence in accordance with the licence of that holder.
- (2) For the purpose of demonstrating that the licence is required for—
- (a) the occupation of security guard or prison guard, the applicant must—
 - (i) hold a licence under the **Private Security Act 2004** that authorises the applicant to perform armed guard activities or cash-in-transit activities or

S. 15(1)
amended by
Nos 28/2003
s. 9(2),
50/2007
s. 6(1)(a).

S. 15(1)(ab)
inserted by
No. 50/2007
s. 6(1)(b).

S. 15(1)(c)
amended by
Nos 22/1998
s. 9(1)(a),
78/2005
s. 11(1).

S. 15(1)(d)
inserted by
No. 78/2005
s. 11(2).

S. 15(2)(a)(i)
amended by
Nos 33/2004
s. 207, 50/2007
s. 6(2)(a).

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be a prison officer, a contractor or a sub-contractor, within the meaning of the **Corrections Act 1986**, or an employee of such a contractor or sub-contractor; and

S. 15(2)(a)(ii)
amended by
Nos 28/2003
s. 9(3)(a),
29/2006
s. 3(Sch. 1
item 11),
50/2007
s. 6(2)(b).

- (ii) in the case of an applicant who is a natural person, produce evidence that the applicant has a genuine need for the licence because the duties he or she performs as a security guard, prison officer, contractor, sub-contractor or employee are such as to require the carriage and use of a general category handgun; and

S. 15(2)(a)(iii)
inserted by
No. 50/2007
s. 6(2)(c).

- (iii) in the case of a person who carries on a private security business that provides the services of armed guard activities or cash-in-transit activities, produce evidence that the applicant has a genuine need for the licence because the nature of the private security business the person carries on is such as to require the carriage and use of one or more general category handguns;

S. 15(2)(b)
substituted by
No. 28/2003
s. 9(3)(b).

(b) target shooting—

- (i) the applicant must be and continue to be a member of an approved handgun target shooting club; and
- (ii) if the applicant is not, at the time of the application, the holder of a licence in another State or a Territory of the Commonwealth that authorises the possession, carriage or use of handguns for the reason of target shooting, the applicant must, for the period of 6 months immediately preceding the

application, have been a member of that club;

- (c) for a purpose specified in subsection (1)(c), the applicant must produce evidence that the licence is required for that purpose; **S. 15(2)(c) substituted by No. 22/1998 s. 9(1)(b), amended by No. 78/2005 s. 11(3)(a).**
- (d) for the purpose specified in subsection (1)(d), the applicant must demonstrate that the person who carries and uses the general category handgun is the holder of a junior licence. **S. 15(2)(d) inserted by No. 78/2005 s. 11(3)(b).**
- (3) In the case of a person who is applying for a handgun licence for general category handguns for the reason of target shooting, the Chief Commissioner must not issue such a licence to that person unless a nominated officer of an approved handgun target shooting club of which the person is a member has, on behalf of the club, endorsed the application. **S. 15(3) substituted by No. 28/2003 s. 9(4).**
- (4) In issuing a handgun security guard licence under this section the Chief Commissioner— **S. 15(4) inserted by No. 22/1998 s. 9(2), repealed by No. 28/2003 s. 9(5), new s. 15(4) inserted by No. 78/2005 s. 11(4).**
- (a) in the case of an employee of a private security business, must not issue the licence for more than one general category handgun; and **S. 15(4)(a) amended by No. 50/2007 s. 6(3).**
- (ab) in the case of an operator of a private security business, must not issue the licence for more general category handguns than are, in the opinion of the Chief Commissioner, **S. 15(4)(ab) inserted by No. 50/2007 s. 6(4).**

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reasonably necessary for the operation of the business; and

S. 15(4)(b) amended by No. 78/2005 s. 64(a).

- (b) where the holder of the licence is employed as a security guard, must not issue the licence for a handgun that is not registered to the person who employs the holder as a security guard; and

S. 15(4)(c) inserted by No. 78/2005 s. 64(b).

- (c) must not issue, unless the Chief Commissioner reasonably believes that there is an exceptional and legitimate reason for doing so, a licence for a handgun that is—
 - (i) a semi-automatic handgun with a calibre of more than .40 inch; or
 - (ii) a revolver or single shot handgun with a calibre of more than .38 inch.

S. 15(5) inserted by No. 22/1998 s. 9(2), repealed by No. 28/2003 s. 9(6).

* * * * *

S. 16 amended by No. 28/2003 s. 10 (ILA s. 39B(1)).

16 Conditions applying to handgun licences

- (1) A handgun licence is subject to—
 - (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) the special conditions specified in item 3 of Schedule 2; and
 - (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

S. 16(2) inserted by No. 28/2003 s. 10, amended by No. 78/2005 s. 12(1).

- (2) If a person is the holder of a handgun target shooting licence, the licence is subject to the following conditions—

- (a) the holder must not participate in target shooting for any purpose other than the purpose of preparing for and competing in approved handgun target shooting matches;
- (b) if the holder is a member of more than one approved handgun target shooting club, the holder must nominate one such club to be his or her principal club.
- (3) A handgun target shooting licence under which the holder possesses, carries or uses general category handguns is subject to the condition that in each calendar year for which the holder holds the licence, for the number of specified classes of handgun possessed, carried or used under the licence, he or she must, on at least 10 separate days, participate in at least the total number of—
- (a) handgun target shoots; or
- (b) approved handgun target shooting matches; or
- (c) a combination of the number of handgun target shoots and handgun target shooting matches—

S. 16(3)
 inserted by
 No. 28/2003
 s. 10,
 amended by
 Nos 107/2003
 s. 3(1),
 78/2005
 s. 12(2),
 substituted by
 No. 12/2012
 s. 10(1).

set out in column 2 of the Table opposite the number of specified classes of handgun possessed, carried or used set out in column 1 of the Table.

TABLE

<i>Column 1</i>	<i>Column 2</i>
<i>Number of specified classes of handgun possessed, carried or used</i>	<i>Total number of handgun target shoots or matches or combination of both</i>
1	10
2	10
3	12
4	16

Firearms Act 1996
No. 66 of 1996

Part 2—Possession, Carriage or Use of Firearms and Related Items

s. 16

S. 16(4)
inserted by
No. 28/2003
s. 10,
substituted by
No. 12/2012
s. 10(1).

- (4) Of the number of matches and shoots that the holder of a handgun target shooting licence is required to participate in under subsection (3) in any calendar year—
- (a) at least 6 must be approved handgun target shooting matches; and
 - (b) at least 4 must be participated in for each specified class of handgun; and
 - (c) participation may be either as a competitor, supervisor, competition judge or range officer but at least 6 must be participated in as a competitor.

S. 16(5)
inserted by
No. 28/2003
s. 10,
amended by
Nos 107/2003
s. 3(2),
78/2005
s. 12(3),
50/2007 s. 7,
repealed by
No. 12/2012
s. 10(1).

* * * * *

S. 16(6)
inserted by
No. 28/2003
s. 10,
repealed by
No. 12/2012
s. 10(1).

* * * * *

S. 16(7)
inserted by
No. 28/2003
s. 10.

- (7) For the purposes of this section, a person who conducts a handgun safety course, that is of a class of such courses that has been approved by the Chief Commissioner, is deemed to have competed in an approved handgun target shooting match.

(8) For the purposes of this section, a handgun target shoot must be—

(a) a handgun target shoot that is—

(i) conducted for the purposes of preparation for participation in an approved handgun target shooting match; and

(ii) organised by an approved handgun target shooting club; and

(iii) conducted on an approved shooting range; or

(b) a handgun target shoot conducted in another State or a Territory or a place outside Australia that is recognised by the Chief Commissioner under subsection (12)(b) as complying with paragraph (a).

S. 16(8)
inserted by
No. 107/2003
s. 3(3),
amended by
No. 78/2005
s. 12(4),
substituted by
No. 52/2010
s. 5(1).

S. 16(8)(b)
amended by
No. 12/2012
s. 10(2).

(8A) If, in any calendar year, the holder of a handgun target shooting licence—

(a) holds the licence for less than the calendar year; or

(b) holds the licence in respect of a specified class of handguns for less than the calendar year—

the conditions applying to the licence under this section as to participation in approved handgun target shooting matches and handgun target shoots apply proportionately, based on whole calendar months, for that year, after rounding down to the nearest whole number of such matches and shoots.

S. 16(8A)
inserted by
No. 78/2005
s. 12(5).

(9) In this section, *specified class of handgun* means any of the following—

(a) any of the classes of general category handgun that are prescribed for the purposes of this section;

S. 16(9)
inserted by
No. 107/2003
s. 3(3).

s. 16

(b) the class of general category handgun that is comprised by those handguns that do not form part of any class of handgun prescribed under paragraph (a).

S. 16(10)
inserted by
No. 78/2005
s. 12(6).

(10) For the purposes of this section, an approved handgun target shooting match or a handgun target shoot that takes place on more than one day is to be taken to be, for each day on which the match or shoot takes place, a separate match or shoot.

S. 16(11)
inserted by
No. 78/2005
s. 12(6).

(11) This section (other than subsection (1)) does not apply to—

(a) the holder of a handgun target shooting licence, where that person does not possess a handgun under that licence; or

(b) a person, where that person possesses and carries a handgun under a licence issued under section 15(1)(d); or

(c) the holder of a handgun target shooting licence which is not a natural person.

S. 16(12)
inserted by
No. 52/2010
s. 5(2).

(12) The Chief Commissioner may recognise—

S. 16(12)(a)
amended by
No. 12/2012
s. 10(3).

(a) a handgun target shooting match conducted in another State or a Territory or a place outside Australia to be an approved handgun target shooting match; or

S. 16(12)(b)
amended by
No. 12/2012
s. 10(3).

(b) a handgun target shoot conducted in another State or a Territory or a place outside Australia to be a handgun target shoot that complies with subsection (8)(a).

- (13) The participation by a person in a handgun target shooting match conducted in another State or a Territory or a place outside Australia that the Chief Commissioner has recognised under subsection (12)(a) does not count as participation in an approved handgun target shooting match for the purposes of this section and section 123C(1)(c) unless the Chief Commissioner is satisfied that the person participated in that handgun target shooting match.
- (14) The participation by a person in a handgun target shoot conducted in another State or a Territory or a place outside Australia that the Chief Commissioner has recognised under subsection (12)(b) does not count as participation in a handgun target shoot for the purposes of this section unless the Chief Commissioner is satisfied that the person participated in that handgun target shoot.
- (15) A person who participates in a handgun target shooting match or a handgun target shoot conducted in another State or a Territory or a place outside Australia must provide evidence of the participation and details of each weapon used to the approved handgun target shooting club of which the person is a member or, if the person is a member of more than one such club, the club which has been nominated by the person as his or her principal club.

S. 16(13)
inserted by
No. 52/2010
s. 5(2),
amended by
No. 12/2012
s. 10(4).

S. 16(14)
inserted by
No. 52/2010
s. 5(2),
amended by
No. 12/2012
s. 10(5).

S. 16(15)
inserted by
No. 52/2010
s. 5(2),
amended by
No. 12/2012
s. 10(6).

Note

Under section 123C a handgun target shooting club must report to the Chief Commissioner the participation by its members in any handgun target shooting matches or handgun target shoots conducted in another State or a Territory or a place outside Australia.

Note to
s. 16(15)
amended by
No. 12/2012
s. 10(7).

s. 16A

S. 16(16)
inserted by
No. 52/2010
s. 5(2),
amended by
No. 12/2012
s. 10(8).

- (16) The Chief Commissioner may, at any time before deciding whether or not a person has participated in a handgun target shooting match or a handgun target shoot conducted in another State or a Territory or a place outside Australia, require the person to produce evidence of that participation.

S. 16A
inserted by
No. 28/2003
s. 11.

16A Issue of handgun licences for category E handguns

- (1) The Chief Commissioner may licence a person to possess, carry or use category E handguns for the reason specified in the licence.
- (2) The Chief Commissioner must not issue a licence for category E handguns unless—
- (a) the applicant can demonstrate that the licence is required for an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations; and
 - (b) if the application is in respect of more than one category E handgun, the applicant can demonstrate a compelling reason for more than one such handgun to be possessed, carried or used under the licence.
- (3) For the purposes of demonstrating that the licence is required for a purpose specified in subsection (2)(a), the applicant must produce evidence that the licence is required for that purpose.

S. 16AA
inserted by
No. 78/2005
s. 13.

16AA Power of Chief Commissioner to modify participation condition

- (1) The Chief Commissioner may on application by the holder of a handgun target shooting licence, vary the number of approved target shooting matches or handgun target shoots that the holder is required to participate in under this Act, if the Chief Commissioner is satisfied that—

- (a) the holder of the licence was unable to participate in such matches or shoots for reasons outside the holder's control; or
 - (b) the holder of the licence was unable to complete any such match or shoot that he or she was participating in—
 - (i) for reasons outside the holder's control; and
 - (ii) where the person officiating at the match or shoot reasonably believed that the holder of the licence endeavoured as best he or she could to complete his or her participation.
- (2) An application under this section must be in the form approved by the Chief Commissioner.

16B Conditions applying to handgun licences for category E handguns

S. 16B
inserted by
No. 28/2003
s. 11.

A handgun licence for category E handguns is subject to any conditions imposed on the licence or the category of licence by the Chief Commissioner.

Division 4—General provisions applying to longarm and handgun licences

17 General discretion of Chief Commissioner to refuse a longarm or handgun licence

S. 17
amended by
No. 22/1998
s. 10(a).

The Chief Commissioner must not issue a longarm or handgun licence—

- (a) if the applicant or any responsible person in relation to the application is a prohibited person; or

s. 17

S. 17(ab)
inserted by
No. 52/2010
s. 6.

- (ab) if the applicant is not ordinarily resident in Victoria unless—
- (i) the Chief Commissioner is satisfied that the applicant requires the licence for work purposes in Victoria; and
 - (ii) the applicant is not a person to whom section 185(2A) or (2B) applies; or
- (b) if the applicant or any responsible person in relation to the application is under the age of 18 years; or
- (c) unless the Chief Commissioner is satisfied that—

S. 17(c)(ia)
inserted by
No. 28/2003
s. 12.

- (i) the applicant and all the responsible persons in relation to the application are fit and proper persons; and
- (ia) in particular, in relation to an applicant for a handgun licence, that there is no information as to criminal activities on the part of the applicant that is known to the Chief Commissioner that would cause the Chief Commissioner not to be satisfied that the person is a fit and proper person; and
- (ii) the applicant can possess, carry or use a firearm without being a danger to public safety or peace; and
 - (iii) the applicant has satisfactorily completed a course of firearms safety approved by the Chief Commissioner and has a good knowledge of firearms law; and

- (iiiia) in the case of an applicant for a paintball marker licence, that the applicant has satisfactorily completed a paintball safety course approved by the Chief Commissioner; and
- (iv) the applicant can comply with the storage requirements set out by or under the Act; and
- (v) the issue of the licence is not against the public interest; or
- (ca) if—
- (i) the applicant has surrendered a handgun licence; and
- (ii) the applicant has received compensation for the surrender of a handgun held under that licence; and
- (iii) the applicant does not require the licence for the reason set out in section 15(1)(a) or 15(1)(c)—
- during a period of 5 years from the date of the surrender of the licence; or
- (d) for any prescribed reason.

S. 17(c)(iiiia) inserted by No. 78/2005 s. 14.

S. 17(c)(v) amended by No. 22/1998 s. 10(b).

S. 17(ca) inserted by No. 50/2007 s. 8.

Division 5—Junior licences

18 Issue of junior licences

S. 18 amended by No. 26/1997 s. 20(1).

- (1) The Chief Commissioner may licence a natural person who is of or over 12 years of age and under 18 years of age to carry or use category A or B longarms, category C longarms (being shotguns) or general category handguns of the type specified

S. 18(1) amended by Nos 22/1998 s. 11(1)(2), 28/2003 s. 13(1).

s. 18

in the licence for the purpose of receiving instruction in the use of such firearms or engaging in sport or target shooting competitions.

S. 18(2)
inserted by
No. 26/1997
s. 20(2).

- (2) The Chief Commissioner must not issue a junior licence which authorises the carriage or use of a category C longarm, being a shotgun, unless the applicant can demonstrate that the licence is required for the reason of clay target shooting.

S. 18(2A)
inserted by
No. 28/2003
s. 13(2).

- (2A) The Chief Commissioner must not issue a junior licence which authorises the carriage or use of a general category handgun, unless the applicant can demonstrate that the licence is required for the reason of handgun target shooting.

S. 18(3)
inserted by
No. 26/1997
s. 20(2).

- (3) For the purposes of demonstrating that a junior licence is required for the reason of clay target shooting, the applicant must—
- (a) be a member of a clay target shooting club or organisation approved by the Chief Commissioner; and

S. 18(3)(b)
substituted by
No. 22/1998
s. 11(3).

- (b) engage in clay target shooting only at a place which is authorised by or under this Act as a place at which clay target shooting may take place; and
- (c) demonstrate other prescribed requirements.

S. 18(4)
inserted by
No. 28/2003
s. 13(3).

- (4) For the purpose of demonstrating that a junior licence is required for the reason of handgun target shooting, the applicant—
- (a) must be and continue to be a member of an approved handgun target shooting club; and
- (b) if the applicant is not, at the time of the application, the holder of a licence in another State or a Territory of the Commonwealth that authorises the carriage or use of handguns for the reason of target shooting, must, for the period of 6 months immediately

preceding the application, have been a member of that club.

- (5) In the case of a person who is applying for a junior licence for the reason of handgun target shooting, the Chief Commissioner must not issue such a licence to that person unless a nominated officer of an approved handgun target shooting club of which the person is a member has, on behalf of the club, endorsed the application.

S. 18(5)
inserted by
No. 28/2003
s. 13(3).

19 Conditions applying to junior licences

- (1) A junior licence is subject to—
- (a) the general conditions specified in items 2 and 3 of Schedule 1; and
 - (b) the special conditions specified in item 4 of Schedule 2; and
 - (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

S. 19
amended by
No. 28/2003
s. 14 (ILA
s. 39B(1)).

* * * * *

S. 19(2)
inserted by
No. 28/2003
s. 14,
amended by
No. 107/2003
s. 4(1),
repealed by
No. 78/2005
s. 15.

* * * * *

S. 19(3)
inserted by
No. 107/2003
s. 4(2),
repealed by
No. 78/2005
s. 15.

20 General discretion of Chief Commissioner to refuse a junior licence

The Chief Commissioner must not issue a junior licence—

- (a) to a prohibited person; or
- (ab) if the applicant is not ordinarily resident in Victoria; or
- (b) unless the Chief Commissioner is satisfied that—
 - (i) the applicant is a fit and proper person to be permitted to carry a category A, B or C longarm or a general category handgun; and
 - (ii) the applicant can possess, carry or use a firearm without being a danger to public safety or peace; and
 - (iii) the applicant has satisfactorily completed a course in firearms safety approved by the Chief Commissioner and has a good knowledge of firearms law; and
 - (iv) the issue of the licence is not against the public interest; or
- (c) unless the application is made with the written consent of the parent or guardian of the applicant; or
- (d) for any prescribed reason.

S. 20(ab)
inserted by
No. 52/2010
s. 7.

S. 20(b)(i)
amended by
Nos 26/1997
s. 21, 28/2003
s. 15.

S. 20(b)(iv)
amended by
No. 22/1998
s. 12.

Division 6—Firearms collectors and heirlooms licences

21 Issue of category 1 firearms collectors licences

- | | |
|--|---|
| | S. 21
(Heading)
inserted by
No. 28/2003
s. 16(1). |
| (1) The Chief Commissioner may licence a person to possess or carry— | S. 21(1)
substituted by
No. 28/2003
s. 16(2). |
| (a) longarms; and | |
| (b) handguns that have been manufactured on or after 1 January 1900 but no later than 31 December 1946; and | S. 21(1)(b)
amended by
Nos 78/2005
s. 16, 50/2007
s. 9(a). |
| (c) handguns that have been manufactured before 1900, that use percussion as a means of ignition and that take cartridge ammunition that is commercially available; and | S. 21(1)(c)
inserted by
No. 50/2007
s. 9(b). |
| (d) antique handguns (that are not single shot antique handguns)— | S. 21(1)(d)
inserted by
No. 50/2007
s. 9(b). |
| for the purpose of collecting any such firearms. | |
| (2) The Chief Commissioner must not issue a licence under subsection (1) unless the applicant— | |
| (a) is and has been, for at least 6 months, a member of an approved firearms collectors club that deals with the classes of firearms the person proposes to collect; and | S. 21(2)(a)
substituted by
No. 28/2003
s. 16(3)(a). |
| (b) can demonstrate that the firearms collected will be of obvious and significant commemorative, historical or thematic value; and | S. 21(2)(b)
amended by
No. 28/2003
s. 16(3)(b). |

s. 21A

S. 21(c)
inserted by
No. 28/2003
s. 16(3)(c).

- (c) is a member of an approved firearms collectors club, a nominated officer of which has endorsed the application, on behalf of the club.

S. 21A
inserted by
No. 28/2003
s. 17.

21A Issue of category 2 firearms collectors licences

S. 21A(1)
substituted by
No. 50/2007
s. 10.

- (1) The Chief Commissioner may licence a person to possess or carry—
- (a) longarms; and
 - (b) handguns that have been manufactured on or after 1 January 1947; and
 - (c) handguns that have been manufactured on or after 1 January 1900 but no later than 31 December 1946; and
 - (d) handguns that have been manufactured before 1900, that use percussion as a means of ignition and that take cartridge ammunition that is commercially available; and
 - (e) antique handguns (that are not single shot antique handguns)—

for the purpose of collecting any such firearms.

- (2) The Chief Commissioner must not issue a licence under subsection (1) unless the applicant—
- (a) can demonstrate that the handguns collected will be of obvious and significant commemorative, historical or thematic value; and
 - (b) has held a category 1 firearms collectors licence for a period of at least 2 years; and

- (c) is a member of an approved firearms collectors club, a nominated officer of which has endorsed the application, on behalf of the club; and
- (d) possesses more than 10 handguns manufactured before 1 January 1947, and the addition of handguns manufactured on or after 1 January 1947 will increase the historical value and significance of the collection; and
- (e) can demonstrate that the proposed increase of the collection is safe in all the circumstances.

21B Issue of antique handgun collectors licences

S. 21B
inserted by
No. 78/2005
s. 17.

- (1) The Chief Commissioner may licence a person to possess or carry antique handguns (that are not single shot antique handguns) for the purpose of collecting any such handguns.
- (2) The Chief Commissioner must not issue a licence under subsection (1) unless the applicant—
 - (a) is and has been a member of an approved firearms collectors club that deals with the classes of firearms the person proposes to collect; and
 - (b) can demonstrate that the firearms collected will be of obvious and significant commemorative, historical, investment or thematic value; and
 - (c) is a member of an approved firearms collectors club, a nominated officer of which has endorsed the application, on behalf of the club.

S. 21B(1)
amended by
No. 50/2007
s. 11(1).

S. 21B(2)(a)
amended by
No. 50/2007
s. 11(2).

s. 22

22 Conditions applying to firearms collectors licences

S. 22
(Heading)
inserted by
No. 28/2003
s. 18(1),
amended by
No. 78/2005
s. 18(1).
S. 22
amended by
No. 28/2003
s. 18(2).

S. 22(1)
amended by
No. 78/2005
s. 18(2).

- (1) Each firearms collectors licence is subject to—
- (a) the general conditions specified in items 1 and 2 of Schedule 1; and
 - (b) the special conditions specified in item 5 of Schedule 2; and
 - (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

S. 22(2)
inserted by
No. 28/2003
s. 18(3),
amended by
No. 78/2005
s. 18(3).

- (2) Each firearms collectors licence is subject to the following conditions—
- (a) that the holder of the licence must not possess or carry a firearm that is of a class that the holder is not authorised under the licence to possess or carry; and
 - (b) that the holder of the licence, for each class of firearm held under the licence, is, for the period of the licence, a member of an approved firearms collectors club that deals with that class of firearms.

23 General discretion of Chief Commissioner to refuse a firearms collectors licence

S. 23
amended by
No. 22/1998
s. 13(a).

The Chief Commissioner must not issue a firearms collectors licence—

- (a) if the applicant or any responsible person in relation to the application is a prohibited person; or
- (ab) if the applicant is not ordinarily resident in Victoria; or
- (b) if the applicant or any responsible person in relation to the application is under 18 years of age; or
- (c) unless the Chief Commissioner is satisfied that—
 - (i) the applicant and all responsible persons in relation to the application are fit and proper persons; and
 - (ii) the applicant can possess or carry a firearm without being a danger to public safety or peace; and
 - (iii) the applicant can comply with the storage requirements set out by or under the Act; and
 - (iv) the issue of the licence is not against the public interest; or
- (d) for any prescribed reason.

S. 23(ab)
inserted by
No. 52/2010
s. 8.

S. 23(c)(iv)
amended by
No. 22/1998
s. 13(b).

24 Firearms collectors register

- (1) A person who is the holder of a firearms collectors licence must—
- (a) keep a register at the premises specified in the licence which has a record of the firearms kept under the licence and which is in the form approved by the Chief Commissioner; and
 - (b) enter prescribed particulars of any dealings in firearms held under the licence in the register within 24 hours after the dealing takes place.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) The Chief Commissioner may permit a person who is the holder of a firearms collectors licence to remove a firearm from the register kept under this section if that person is the holder of a longarm licence for category A or B longarms or a handgun licence for general category handguns which entitles that person to possess that firearm.
- (3) An application for a permit under subsection (2) must be made in the form and manner approved by the Chief Commissioner.

25 Issue of firearms heirlooms licences

The Chief Commissioner may licence a natural person who is of or over the age of 18 years to possess and carry a single firearm or a matched pair of firearms if that person—

- (a) is not able to satisfy the requirements to obtain a licence under any other provision of this Part; and
- (b) can demonstrate that he or she inherited the firearm.

S. 24(2)
amended by
No. 28/2003
s. 19.

26 Conditions applying to firearms heirlooms licences

A firearms heirlooms licence is subject to—

- (a) the general conditions specified in items 1 and 2 of Schedule 1; and
- (b) the special conditions specified in item 6 of Schedule 2; and
- (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

27 General discretion of Chief Commissioner to refuse a firearms heirlooms licence

The Chief Commissioner must not issue a firearms heirlooms licence—

- (a) if the applicant is a prohibited person; or
- (ab) if the applicant is not ordinarily resident in Victoria; or
- (b) unless the Chief Commissioner is satisfied that—
 - (i) the applicant is a fit and proper person; and
 - (ii) the applicant can possess or carry a firearm without being a danger to public safety or peace; and
 - (iii) the applicant can comply with the storage requirements set out by or under the Act; and
 - (iv) the issue of the licence is not against the public interest; or
- (c) for any prescribed reason.

S. 27(ab)
inserted by
No. 52/2010
s. 9.

S. 27(b)(iv)
amended by
No. 22/1998
s. 14.

Division 7—Firearms ammunition collectors licences

28 Issue of firearms ammunition collectors licences

S. 28(1)
amended by
No. 22/1998
s. 43(Sch.
item 2).

- (1) The Chief Commissioner may licence a person to acquire, dispose of, possess or carry cartridge ammunition for the purposes of collecting cartridge ammunition.
- (2) The Chief Commissioner must not issue a licence under subsection (1) unless the person is a member of an organisation of firearms collectors or an organisation of ammunition collectors approved by the Chief Commissioner.

29 General discretion of Chief Commissioner to refuse a firearms ammunition collectors licence

The Chief Commissioner must not issue a firearms ammunition collectors licence—

S. 29(ab)
inserted by
No. 52/2010
s. 10.

- (a) if the applicant or any responsible person in relation to an application is a prohibited person; or
- (ab) if the applicant is not ordinarily resident in Victoria; or
- (b) if the applicant or any responsible person in relation to an application is under the age of 18 years; or
- (c) unless the Chief Commissioner is satisfied that—
 - (i) the applicant and all responsible persons in relation to an application are fit and proper persons; and
 - (ii) the applicant can possess or carry ammunition without being a danger to public safety or peace; and

- (iii) the applicant can comply with the storage requirements set out by or under the Act; and
- (iv) the issue of the licence is not against the public interest; or

S. 29(c)(iv)
amended by
No. 22/1998
s. 15.

(d) for any prescribed reason.

30 Conditions applying to firearms ammunition collectors licences

A firearms ammunition collectors licence is subject to—

- (a) the general conditions specified in items 1 and 2 of Schedule 1; and
- (b) the special conditions specified in item 7 of Schedule 2; and
- (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

Division 8—General provisions applying to licences under this Part

31 Application for a licence

- (1) A person who is making an application for a licence under this Part must make that application to the Chief Commissioner.
- (2) An application must be in a form and manner approved by the Chief Commissioner.
- (3) An applicant must pay the fee prescribed for the category of licence applied for.

S. 31(2)
amended by
No. 78/2005
s. 19.

32 Information which is required for an application for a licence

- (1) An application by a natural person for a licence under this Part must be accompanied by—
- (a) proof of the identity of the applicant being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference under the Financial Transactions Reports Act 1988 of the Commonwealth; and
 - (b) in the case of an application for a longarm licence for a category D or E longarm, a handgun licence or a firearms collectors licence (other than an antique handgun collectors licence), a full set of the applicant's fingerprints.
- (1A) If a person who is not ordinarily resident in Victoria applies for a longarm or handgun licence on the basis that the licence is required for work purposes in Victoria, the Chief Commissioner may require the person to provide evidence that the work purposes are genuine and that they require the person to hold a Victorian firearm licence.
- (2) An application by a body corporate for a licence under this Part must—
- (a) specify the officers of the body corporate; and
 - (b) nominate a person who will be responsible for the storage and day to day management of firearms possessed under that licence; and

S. 32(1)(b)
amended by
No. 78/2005
s. 20(1).

S. 32(1A)
inserted by
No. 52/2010
s. 11.

-
- (c) be accompanied by, in respect of the responsible persons—
- (i) proof of the identity of each person being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference under the Financial Transactions Reports Act 1988 of the Commonwealth; and
 - (ii) a full set of each person's fingerprints (other than in the case of an application for an antique handgun collectors licence). **S. 32(2)(c)(ii) amended by No. 78/2005 s. 20(2).**
- (3) An application on behalf of a Department for a licence under this Part must—
- (a) be made by a person authorised by the Department Head; and
 - (b) nominate the person who is to be responsible for the storage and day to day management of firearms possessed under that licence; and
 - (c) be accompanied by, in respect of the responsible persons—
 - (i) proof of the identity of each person, being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference under the Financial Transactions Reports Act 1988 of the Commonwealth; and
 - (ii) a full set of each person's fingerprints (other than in the case of an application for an antique handgun collectors licence). **S. 32(3)(c)(ii) amended by No. 78/2005 s. 20(3).**

s. 32A

S. 32A
inserted by
No. 50/2007
s. 12.

32A Chief Commissioner may refuse to make a decision on an application for a licence

The Chief Commissioner may refuse to make a decision on an application for a licence under this Part if the applicant does not comply with any requirement of the Chief Commissioner under this Part in relation to the application within a reasonable time after the requirement being made.

33 28 day waiting period

The Chief Commissioner must not issue a licence under this Part until at least 28 days have expired after the making of the application.

S. 33A
inserted by
No. 50/2007
s. 13.

33A Notice that licence may be refused

- (1) If the Chief Commissioner is proposing not to issue a licence under this Part for any reason other than that set out in subsection (2), the Chief Commissioner must, before deciding not to issue the licence, serve on the applicant a notice—
 - (a) specifying the reason why the Chief Commissioner is proposing not to issue the licence; and
 - (b) inviting the applicant to make a written submission in accordance with subsection (3).
- (2) If the Chief Commissioner is proposing not to issue a licence under this Part because he or she is satisfied that the applicant, a close associate of the applicant or, if the applicant is a body corporate, the nominated person or an officer of the body corporate, is a prohibited person, the Chief Commissioner must serve on—
 - (a) the applicant; and

(b) any of the persons referred to in this subsection who the Chief Commissioner is satisfied is a prohibited person—

a notice specifying the reason why the licence is not to be issued.

(3) An applicant who has been served with a notice under subsection (1) may, within 28 days after the day on which the applicant is served with the notice, make a submission to the Chief Commissioner concerning any reason that is specified in the notice.

33B Further consideration of application and convening of hearing

S. 33B
inserted by
No. 50/2007
s. 13.

- (1) After receiving a submission within the time specified under section 33A(3), the Chief Commissioner may—
- (a) further consider the application; or
 - (b) after giving notice to the applicant, convene a hearing to further consider the application.
- (2) An applicant may be represented at a hearing by any person the applicant chooses, but is not entitled to receive any costs in respect of a hearing.
- (3) The Chief Commissioner may arrange for an electronic recording of a hearing to be made.
- (4) The Chief Commissioner—
- (a) must retain any electronic recording of a hearing for a period of no less than 3 months from the date of the hearing; and
 - (b) may destroy the recording at the end of the period under paragraph (a).

s. 33C

S. 33C
inserted by
No. 50/2007
s. 13.

33C Refusal of licence

The Chief Commissioner must not make a decision not to issue a licence under this Part unless the Chief Commissioner has—

- (a) considered any written submissions made by the applicant within the time specified in the notice under section 33A(1) for making such a submission; and
- (b) if a hearing is convened under section 33B, considered any oral submission made by the applicant at the hearing, if the applicant has indicated to the Chief Commissioner within any time specified in the notice under section 33B(1)(b) that he or she wishes to be heard at such a hearing.

S. 34
amended by
No. 28/2003
s. 20(1).

34 Review of decision not to issue a licence

(1) Subject to subsection (2), a non-prohibited person who has applied for a licence under this Part may apply to the Committee for a review of a decision of the Chief Commissioner—

- (a) not to issue a licence; or
- (b) to impose a condition on a licence.

(2) Subsection (1) does not apply to a decision of the Chief Commissioner not to issue a licence on the ground set out in section 17(c)(ia).

S. 34(2)
inserted by
No. 28/2003
s. 20(2).

35 Particulars of licences

(1) A licence under this Part must contain the following particulars—

- (a) the name and address of the holder of the licence; and
- (b) the category of the licence; and
- (c) any particulars required by this Act to be specified in the licence; and

- (d) the reason for which the applicant has been issued with the licence; and
 - (e) a summary of the storage requirements imposed by or under the Act; and
 - (f) any other prescribed particulars.
- (2) A licence under this Part must contain a recent photograph of—
- (a) in the case of a licence issued to a natural person, that person; or
 - (b) in any other case, the nominated person—
- which complies with the Chief Commissioner's requirements.

36 Offence not to comply with licence conditions

- (1) A person who is the holder of a longarm licence for category A or B longarms must comply with any conditions to which the licence is subject.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) A person who is the holder of a longarm licence for category C or D longarms or a handgun licence for general category handguns must comply with any conditions to which the licence is subject.

**S. 36(2)
amended by
No. 28/2003
s. 21(1).**

Penalty: 120 penalty units or 2 years imprisonment.

- (3) A person who is the holder of a longarm licence for category E longarms or a handgun licence for category E handguns must comply with any conditions to which the licence is subject.

**S. 36(3)
amended by
No. 28/2003
s. 21(2).**

Penalty: 240 penalty units or 4 years imprisonment.

S. 36(3A)
inserted by
No. 78/2005
s. 21.

(3A) A person who is the holder of a paintball marker licence must comply with any conditions to which the licence is subject.

Penalty: 60 penalty units or 12 months imprisonment.

(4) A person who is the holder of a junior licence, a firearms collectors licence, a firearms heirlooms licence or a firearms ammunition collectors licence must comply with any conditions to which the licence is subject.

Penalty: 60 penalty units or 12 months imprisonment.

37 Variation of licence conditions

(1) The Chief Commissioner may, at any time vary any condition imposed on a licence under this Part by the Chief Commissioner.

(2) The variation of a condition under this section has effect upon the giving of notice of that variation to the holder of the licence.

38 Review of a decision to vary licence conditions

A non-prohibited person who is the holder of a licence under this Part may apply to the Committee for a review of a decision of the Chief Commissioner to vary any of the conditions on the licence.

39 Duration of licences

S. 39(1)
amended by
No. 50/2007
s. 14(1).

(1) A licence under this Part, other than a longarm licence for a category C, D or E longarm or a junior licence continues in force for the period, not exceeding 5 years from the issue or renewal of the licence, that is specified in the licence unless it is sooner surrendered, suspended or cancelled.

(2) A longarm licence for a category C, D or E longarm continues in force for the period, not exceeding 3 years from the issue or renewal of the licence, that is specified in the licence unless it is sooner surrendered, suspended or cancelled.

S. 39(2)
amended by
No. 50/2007
s. 14(2).

(3) A junior licence continues in force for the period of 3 years from the issue or renewal of the licence or until the holder turns 18 years of age (whichever is the earlier) unless it is sooner surrendered, suspended or cancelled.

S. 39(3)
amended by
No. 50/2007
s. 14(3).

40 Requirement to notify Chief Commissioner of change of nominated person

(1) If the person nominated in an application under section 31 becomes a prohibited person during the course of a licence, the holder of the licence must nominate another person to be responsible for the storage and day to day management of firearms possessed under that licence and must immediately notify the Chief Commissioner of that nomination.

Penalty: 60 penalty units or 12 months imprisonment.

(2) At any time during the course of a licence, the holder of the licence may nominate a person to replace the person nominated in the application under section 31 and must immediately notify the Chief Commissioner of that nomination.

Penalty: 20 penalty units.

(3) A notice under this section must—

(a) be in writing; and

(b) be accompanied by—

(i) proof of the identity of the person, being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an

identification reference in the Financial Transactions Reports Act 1988 of the Commonwealth; and

(ii) a full set of the person's fingerprints.

Penalty: 20 penalty units.

41 Renewal of licences

- (1) Before the expiration of a licence under this Part, the holder may apply to the Chief Commissioner for renewal of the licence.
- (2) A person who is making an application for the renewal of a licence under this Part must make that application to the Chief Commissioner.
- (3) An application must—
 - (a) be in a form and manner approved by the Chief Commissioner; and

* * * * *

S. 41(3)(b)
repealed by
No. 78/2005
s. 22.

- (4) An application must be accompanied by—
 - (a) a list of all the firearms in the possession of the applicant; and
 - (b) in the case of an application by a body corporate, if any of the responsible persons has changed during the course of the licence—
 - (i) proof of the identity of the new persons, being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference in the Financial Transactions Reports Act 1988 of the Commonwealth; and
 - (ii) a full set of each person's fingerprints.

- (5) The applicant must pay the fee prescribed for the category of licence applied for.

41A Continuation of licence during consideration of application for renewal

S. 41A
inserted by
No. 78/2005
s. 23.

If a licence holder has applied for renewal of a licence under section 41 and that application has not been determined before the date of expiry of the licence, the licence is deemed to continue in force, on and from that date, until the determination of the application.

42 General discretion of Chief Commissioner to refuse to renew a licence or to alter or vary the conditions of a licence

- (1) The Chief Commissioner may renew or refuse to renew a licence under this Part and, if a licence is to be renewed, the Chief Commissioner may alter or vary the conditions on the licence or impose further conditions on the licence.

- (2) The Chief Commissioner must not renew the licence—

- (a) if the applicant can no longer demonstrate that he or she has the reason for which the licence was previously issued; or
(b) if the applicant or any responsible person in relation to the application is a prohibited person; or

- (ba) if the applicant is not ordinarily resident in Victoria unless—

S. 42(2)(ba)
inserted by
No. 52/2010
s. 12.

- (i) the Chief Commissioner is satisfied that the applicant requires the licence for work purposes in Victoria; and
(ii) the applicant is not a person to whom section 185(2A) or (2B) applies; or

- (c) unless the Chief Commissioner is satisfied that—
- (i) the applicant and all responsible persons in relation to the application are fit and proper persons; and
 - (ii) the applicant can comply with the storage requirements set out by or under the Act; and
 - (iii) the renewal of the licence is not against the public interest; or

S. 42(2)(c)(iii)
amended by
No. 22/1998
s. 16.

(d) for any prescribed reason.

43 Circumstances in which the Chief Commissioner may alter or vary conditions on a licence

The Chief Commissioner may alter or vary the conditions on the licence—

- (a) if the applicant can no longer demonstrate that he or she has the reason for which, in respect of any of the firearms possessed under the licence, the licence was issued; or
- (b) for any other prescribed reason.

S. 43A
inserted by
No. 78/2005
s. 24.

43A Variation of licence for failure to comply with participation condition

- (1) If—
- (a) the holder of a handgun target shooting licence has failed to comply with section 16(5)(c); and

S. 43A(1)
amended by
No. 52/2010
s. 13(1).

(b) the Chief Commissioner has not cancelled the holder's licence for that failure to comply—

the Chief Commissioner may vary the licence by imposing a condition that the licence does not authorise the holder to possess, carry or use the relevant class of handgun.

(1A) The variation of a condition by the Chief Commissioner under subsection (1) remains in force—

S. 43A(1A)
inserted by
No. 52/2010
s. 13(2).

(a) in the case of a first variation of condition, for a period of 3 months from the date on which the variation is made; or

(b) in the case of a second or subsequent variation—

(i) for the period specified by the Chief Commissioner in the variation, which must be not less than 3 months and not more than 12 months from the date on which the variation is made; or

(ii) if the Chief Commissioner does not specify a period in the variation, for a period of 12 months from the date on which the variation is made.

(2) In this section *relevant class of handgun* means the class of handgun in respect of which the licence holder failed to comply with section 16(5)(c).

(3) The holder of a handgun target shooting licence whose licence has been varied under subsection (1) may apply to the Committee for a review of the decision of the Chief Commissioner to vary the licence.

s. 43B

S. 43B
inserted by
No. 52/2010
s. 14.

43B Review of decision as to period of variation

A person may apply to the Committee for a review of a decision of the Chief Commissioner as to the period of time specified by the Chief Commissioner under section 43A(1A)(b)(i).

44 Review of a decision not to renew a licence

A non-prohibited person who has applied for a renewal of a licence under this Part may apply to the Committee for a review of a decision of the Chief Commissioner—

- (a) not to renew that licence; or
- (b) to alter or vary any of the conditions on the licence.

45 Disposal of firearms where licence not renewed

S. 45(1)
substituted by
No. 26/1997
s. 22.

- (1) A person whose licence is not renewed does not commit an offence under this Part if he or she possesses or carries a firearm held under that licence—
 - (a) if no application for review has been made against the decision not to renew the licence, for 28 days after the licence expires, for the purposes of disposing of the firearm; or
 - (b) if an application for review has been made against the decision not to renew the licence, for 28 days after the confirmation of the decision, for the purposes of disposing of the firearm.
- (2) If a condition on a licence is altered or varied under section 43, the holder of the licence does not commit an offence under this Part if he or she possesses or carries a firearm held under that licence which must be disposed of because of that alteration or variation for a period of 28 days after the alteration or variation for the purposes of disposing of the firearm.

- (3) A person who is disposing of a category A or B longarm in the circumstances to which subsection (1) or (2) applies must dispose of that firearm to a licensed firearms dealer.

Penalty: 60 penalty units or 12 months imprisonment.

- (4) A person who is disposing of a category C or D longarm or a general category handgun in the circumstances to which subsection (1) or (2) applies must dispose of that firearm to a licensed firearms dealer.

S. 45(4)
amended by
No. 28/2003
s. 22(1).

Penalty: 120 penalty units or 2 years imprisonment.

- (5) A person who is disposing of a category E longarm or a category E handgun in the circumstances to which subsection (1) or (2) applies must dispose of that firearm in the manner specified in the licence.

S. 45(5)
amended by
No. 28/2003
s. 22(2).

Penalty: 240 penalty units or 4 years imprisonment.

Division 9—Suspension and cancellation of licences under this Part

46 Immediate cancellation of a licence

- (1) Immediately on becoming aware that—
- (a) the holder of the licence under this Part; or
 - (b) in the case of a licence which is held by a body corporate, any officer of the body corporate—

S. 46(1)
amended by
Nos 50/2007
s. 15, 68/2008
s. 71.

is a prohibited person (other than for the reason referred to in paragraph (c)(i) or (c)(ib) of the definition of *prohibited person*) the Chief Commissioner must cancel the licence.

- (2) The Chief Commissioner must notify the holder of the licence of the cancellation of the licence, either personally or by post.

S. 46A
inserted by
No. 52/2010
s. 15.

46A Cancellation of licence held by non-resident

- (1) If the Chief Commissioner is satisfied that the holder of a licence under this Part is not ordinarily resident in Victoria and does not require the licence for work purposes in Victoria, the Chief Commissioner must cancel the licence.
- (2) The Chief Commissioner must give written notification to the holder of the licence of the cancellation of the licence.
- (3) Subject to subsection (4), the holder of the licence may apply to the Committee for a review of the decision of the Chief Commissioner to cancel the licence.
- (4) An application to the Committee under subsection (3) may only be made on the ground that the holder of the licence that has been cancelled is ordinarily resident in Victoria or that the holder of the licence requires the licence for work purposes in Victoria.

47 Suspension of a licence and notice of proposal to cancel

- (1) If the Chief Commissioner is satisfied that there may be grounds for cancelling a licence under section 49 the Chief Commissioner may suspend the licence.
- (2) The Chief Commissioner must serve notice of the suspension of the licence on the holder of the licence either personally or by post.

- (3) A notice under subsection (2) must—
- (a) state that the licence is suspended; and
 - (b) state that the Chief Commissioner is satisfied that there are grounds for the cancellation of the licence; and
 - (c) set out those grounds; and
 - (d) state that the holder of the licence may make written submissions on the proposal and that any written submissions made must be made within 28 days of the giving of the notice.
- (4) A suspension under this section remains in force—
- (a) if the Chief Commissioner decides to cancel the licence, until the coming into effect of the cancellation; or
 - (b) if the Chief Commissioner decides not to cancel the licence, until the making of that decision.
- (5) The holder of a licence, whose licence is suspended is deemed not to be the holder of a licence for the period of the suspension.

47A Suspension of licence—certain prohibited persons

S. 47A
inserted by
No. 50/2007
s. 16.

- (1) Immediately on becoming aware that the holder of a licence under this Part is a prohibited person for the reason referred to in paragraph (c)(i) or (c)(ib) of the definition of *prohibited person*, the Chief Commissioner must suspend the holder's licence.
- (2) If the holder of a licence that has been suspended under subsection (1) makes an application under section 189 within 3 months of the suspension, the suspension remains in force until the outcome of

S. 47A(1)
amended by
No. 68/2008
s. 72.

the application has been finally determined, or if the Chief Commissioner must cancel the licence under section 49(4), until the cancellation takes effect.

48 Making of submissions

- (1) The holder of a licence who has been notified under section 47 may make written submissions on the proposal to cancel the licence.
- (2) Submissions made under subsection (1) must be made within 28 days of the holder being notified.

49 Power of Chief Commissioner to cancel licence under this Part

- (1) The Chief Commissioner may cancel a licence suspended under section 47 if, after considering any submissions made within the time fixed for making submissions, the Chief Commissioner is satisfied that—
 - (a) the holder no longer has the reason specified in the licence for holding the licence; or
 - (b) the holder has failed to notify the Chief Commissioner of a change of his or her address; or
 - (c) the holder has knowingly supplied false or misleading information in a material particular in, or in connection with the application for the licence or renewal of the licence; or
 - (d) the holder has contravened or failed to comply with a condition of the licence, that is not a condition set out in section 16(3) and (4) or section 16(5) and (6); or

S. 49
amended by
No. 28/2003
s. 23(1)(a).

S. 49(1)(d)
amended by
Nos 28/2003
s. 23(1)(b),
107/2003
s. 5(a).

- (e) the holder has contravened or failed to comply with any requirement for the storage of firearms possessed, carried or used under the licence; or
- (f) the holder of the licence or any responsible person in relation to the licence is no longer a fit and proper person; or
- (fa) in particular, in relation to the holder of a handgun licence, that there is information as to criminal activities on the part of the holder that is known to the Chief Commissioner that causes the Chief Commissioner to be satisfied that the person is not a fit and proper person; or
- (g) the holder of the licence cannot carry on, or be employed in the business without being a danger to public safety or peace; or
- (h) the holder of the licence or a responsible person in relation to the licence has contravened a provision of this Act or the regulations; or
- (ha) the holder has, through his or her negligence or fraud, caused a firearm to be lost or stolen; or
- (i) the holder is no longer entitled to hold the licence for any other prescribed reason.
- (2) If the holder of a general category handgun licence is a holder to whom the condition set out in section 16(3) and (4) applies, the Chief Commissioner must cancel that licence if the holder has failed to comply with that condition.

S. 49(1)(fa)
inserted by
No. 28/2003
s. 23(1)(c).

S. 49(1)(ha)
inserted by
No. 28/2003
s. 23(1)(d).

S. 49(2)
inserted by
No. 28/2003
s. 23(2),
amended by
No. 107/2003
s. 5(b).

Firearms Act 1996
No. 66 of 1996

Part 2—Possession, Carriage or Use of Firearms and Related Items

s. 49

S. 49(3)
inserted by
No. 28/2003
s. 23(2),
amended by
No. 107/2003
s. 5(c)(i).

(3) If the holder of a general category handgun licence is a holder to whom the condition set out in section 16(5) and (6) applies, the Chief Commissioner—

S. 49(3)(a)
amended by
No. 107/2003
s. 5(c)(ii).

(a) must cancel that licence if the holder has failed to comply with section 16(5)(d); and

S. 49(3)(b)
amended by
No. 107/2003
s. 5(c)(iii).

(b) may cancel that licence if the holder has failed to comply with section 16(5)(c).

S. 49(4)
inserted by
No. 50/2007
s. 17,
amended by
No. 52/2008
s. 246(1),
substituted by
No. 68/2008
s. 73(1).

(4) The Chief Commissioner must cancel a licence that has been suspended under section 47A(1) on the expiry of 3 months after the suspension of the licence, unless the holder of the licence makes an application under section 189 before the expiry of the 3 month period for a declaration referred to in—

(a) section 189(1)(a) or (1)(b); or

(b) section 189(1AA)(a) or (1AA)(b).

S. 49(5)
inserted by
No. 50/2007
s. 17.

(5) In the case of a person whose licence has been suspended and who makes an application under section 189, the Chief Commissioner must cancel the licence unless—

S. 49(5)(a)
amended by
Nos 52/2008
s. 246(2),
68/2008
s. 73(2).

(a) the court makes a declaration referred to in subsection (1)(a) or (1AA)(a); or

S. 49(5)(b)
amended by
Nos 52/2008
s. 246(3),
68/2008
s. 73(3).

(b) the court makes a declaration referred to in subsection (1)(b) or (1AA)(b) deeming the holder of the licence to be a prohibited person for limited purposes and the purpose for which the person is deemed not to be a

prohibited person is the purpose for which the licence is issued.

49A Restrictions on application for licence following cancellation

S. 49A
inserted by
No. 52/2010
s. 16.

- (1) This section applies if the Chief Commissioner cancels a licence under section 49.
- (2) The Chief Commissioner may specify a period of time (not being more than 12 months after the date of cancellation) within which the person who held the licence is not entitled to apply for such a licence.
- (3) If the Chief Commissioner does not specify a period, the person who held the licence is not entitled to apply for such a licence for a period of 12 months after the date of cancellation.
- (4) If the person who held the licence applies for the same category of licence, the application is taken to be an application for a new licence and not for the renewal of the licence that was cancelled.

49B Review of decision as to period of disqualification

S. 49B
inserted by
No. 52/2010
s. 16.

A person whose licence has been cancelled under section 49 may apply to the Committee for a review of a decision of the Chief Commissioner under section 49A(2) specifying the period of time within which the person is not entitled to apply for such a licence.

50 Review of decision to cancel a licence

S. 50
amended by
No. 28/2003
s. 24.

The holder of a licence under this Part whose licence has been cancelled by the Chief Commissioner under section 49(1), on any ground set out in that subsection other than the ground set out in paragraph (fa) may, if the holder is a non-prohibited person, apply to the Committee for a review of that decision.

51 Notice of Chief Commissioner's decision

S. 51(1)
amended by
No. 28/2003
s. 25(1).

(1) The Chief Commissioner must notify the holder of the licence as to whether or not he or she has decided to cancel the licence under section 49(1), other than paragraph (fa), and must set out the reasons for that decision in the notice.

S. 51(1A)
inserted by
No. 28/2003
s. 25(2).

(1A) If the Chief Commissioner has cancelled a general category handgun licence under section 49(1)(fa), (2) or (3), the Chief Commissioner must so notify the holder.

S. 51(2)
amended by
No. 28/2003
s. 25(3).

(2) A notice under subsection (1) or (1A) may be served on the licence holder either personally or by post.

52 Coming into effect of cancellation

Cancellation of a licence under this Part by the Chief Commissioner has effect from the time at which notice of the cancellation is served on the licence holder.

S. 52AA
inserted by
No. 50/2007
s. 18.

52AA Chief Commissioner to notify approved handgun target shooting club or employer of certain events

- (1) If the Chief Commissioner cancels, suspends or suspends and subsequently decides not to cancel a licence under any of the following sections, the Chief Commissioner must, as soon as practicable after cancelling, suspending or deciding not to cancel a licence, give notice of the cancellation, suspension or subsequent decision not to cancel to any person, of whom the Chief Commissioner is aware, who employs the holder of the licence to perform duties for which the licence is required—
- (a) section 15(1)(a) or 15(1)(c); or
 - (b) section 10(1)(c), 10(1)(d) or 10(1)(e); or
 - (c) section 10(1)(b) for the purpose set out in section 10(2)(b)(iv).

- (2) If the Chief Commissioner cancels, suspends or suspends and subsequently decides not to cancel a licence under any of the following sections, the Chief Commissioner must, as soon as practicable after cancelling, suspending or deciding not to cancel a licence, give notice of the cancellation, suspension or subsequent decision not to cancel to each club of which the Chief Commissioner is aware that the holder of the licence is a member for purposes related to the reason for which he or she is the holder of the licence—
- (a) section 15(1)(b) or 15(1)(d); or
 - (b) section 10(1)(a); or
 - (c) section 10(1)(b) for the purpose set out in section 10(2)(b)(ia); or
 - (d) section 18(1); or
 - (e) section 21(1), 21A(1), 21B(1) or 28(1).

Division 9A—Surrender and seizure of firearms etc.

Pt 2 Div. 9A
(Heading)
inserted by
No. 78/2005
s. 25.

52A Power of Chief Commissioner to require the holder of a general category handgun licence to surrender certain handguns for failure to comply with participation condition

S. 52A
inserted by
No. 28/2003
s. 26.

- (1) If—
- (a) the holder of a general category handgun licence is a holder to whom the condition set out in section 16(5) and (6) applies; and
 - (b) the holder has failed to comply with subsection (5)(c); and

S. 52A(1)(a)
amended by
No. 107/2003
s. 6(a).

S. 52A(1)(b)
amended by
No. 107/2003
s. 6(b).

s. 52B

(c) the Chief Commissioner has not cancelled the holder's licence for that failure to comply—

the Chief Commissioner may require the holder to surrender—

(d) any handgun in respect of which the failure to comply has taken place; and

(e) any ammunition in that person's possession that is capable of being used in that handgun, if the ammunition is not capable of being used in another firearm that is registered to that person and possessed by that person under a licence issued under this Part.

(2) If the Chief Commissioner has decided to impose a requirement under subsection (1), the Chief Commissioner must so notify the holder of the licence.

(3) A notice under subsection (1) may be served on the holder either personally or by post.

S. 52B
inserted by
No. 28/2003
s. 26.

52B Power of Chief Commissioner to require the holder of a category 1 or category 2 firearms collectors licence to surrender certain handguns for failure to comply with certain conditions

(1) If—

(a) the holder of a category 1 or category 2 firearms collectors licence has failed to comply with the condition set out in section 22(2)(a); and

(b) the Chief Commissioner has not cancelled the holder's licence for that failure to comply—

the Chief Commissioner may require the holder to surrender—

- (c) any handgun in respect of which the failure to comply has taken place; and
 - (d) any ammunition in that person's possession that is capable of being used in that handgun.
- (2) If the Chief Commissioner has decided to impose a requirement under subsection (1), the Chief Commissioner must so notify the holder of the licence.
- (3) A notice under subsection (1) may be served on the holder either personally or by post.

53 Surrender of firearms and licence document

- (1) If a licence under this Part is suspended or cancelled, the holder must—
- (a) if served personally with notice of the suspension or cancellation, immediately surrender any firearm or cartridge ammunition in that person's possession and the licence document to the person serving the notice; and
 - (b) if served by post with notice of the suspension or cancellation, within 7 days of service of the notice, surrender any firearm or cartridge ammunition in that person's possession and the licence document to a police station.

S. 53(1)(a)
amended by
No. 22/1998
s. 43(Sch.
item 3).

S. 53(1)(b)
amended by
No. 22/1998
s. 43(Sch.
item 3).

Penalty: 240 penalty units or 4 years imprisonment.

- (2) If a member of the police force has reasonable grounds for believing that a person has not complied with subsection (1), the member—
- (a) must seize any firearm or cartridge ammunition which the member is aware is in the possession of the person; and

S. 53(2)(a)
amended by
No. 22/1998
s. 43(Sch.
item 3).

Firearms Act 1996
No. 66 of 1996

Part 2—Possession, Carriage or Use of Firearms and Related Items

s. 53

S. 53(2)(b)
amended by
No. 22/1998
s. 43(Sch.
item 3).

(b) may, at any reasonable time, without warrant, enter and search any premises where the person resides or has resided for the purpose of seizing any such firearm or cartridge ammunition.

S. 53(3)
amended by
No. 22/1998
s. 43(Sch.
item 3).

(3) Despite the surrender or seizure of a firearm or cartridge ammunition under this section the person who has surrendered the firearm or cartridge ammunition or from whom the firearm or cartridge ammunition has been seized continues to be the owner of the firearm or cartridge ammunition.

S. 53(4)
substituted by
No. 26/1997
s. 23,
amended by
Nos 84/1997
s. 43, 22/1998
s. 43(Sch.
item 3).

(4) If a person has surrendered a firearm or cartridge ammunition under this section or if a firearm or cartridge ammunition has been seized from a person under this section, that person must dispose of that firearm or cartridge ammunition to a licensed firearms dealer—

S. 53(4)(a)
substituted by
No. 52/2008
s. 247.

(a) if the surrender or seizure is as a consequence of the making of a final order under the **Family Violence Protection Act 2008**—

(i) within 3 months of the making the order; or

(ii) if an application for a declaration under section 189 has been made within 3 months of the making of the order, within 28 days of a decision not to make that declaration; or

S. 53(4)(ab)
inserted by
No. 68/2008
s. 74,
amended by
No. 53/2010
s. 221(Sch.
item 5.2).

(ab) if the surrender or seizure is as a consequence of the making of a final order under the **Personal Safety Intervention Orders Act 2010**—

(i) within 3 months of making the order; or

- (ii) if an application for a declaration under section 189 has been made within 3 months of the making of the order, within 28 days of a decision not to make that declaration; or
- (b) if the surrender or seizure is as a consequence of a decision of the Chief Commissioner to cancel or suspend a licence—
 - (i) if no application for review has been made against the decision, within 28 days of the making of the decision; or
 - (ii) if an application for review of the decision has been made, within 28 days of the confirmation of the decision under that procedure; or
 - (iii) if an application for a declaration has been made under section 189(1A) within 56 days of the making of the decision, within 28 days of the making of a decision not to make that declaration; or
- (c) if the surrender or seizure is as a consequence of any other cancellation of a licence, within 28 days of the cancellation.

S. 53(4)(b)(iii)
inserted by
No. 22/1998
s. 17(1).

Penalty: 60 penalty units or 12 months imprisonment.

- (5) If a person—
 - (a) has made an application for a declaration under section 189 before the commencement of this section but that application has not been determined before that commencement; or

S. 53(5)
inserted by
No. 26/1997
s. 23.

s. 53A

(b) makes an application for a declaration under section 189 within 56 days of the commencement of this section—

for the purposes of subsection (4)(a)(ii), that person is deemed to have made that application within 56 days of the making of the order.

S. 53(6)
inserted by
No. 22/1998
s. 17(2).

(6) If a person makes an application for a declaration under section 189(1A) within 56 days of the commencement of section 39 of the **Firearms (Amendment) Act 1998**, for the purposes of subsection (4)(b)(iii), that person is deemed to have made that application within 56 days of the making of the decision.

S. 53A
inserted by
No. 28/2003
s. 27.

53A Surrender of handguns for failure to comply with participation condition

- (1) If the holder of a general category handgun licence has been served with a notice from the Chief Commissioner under section 52A, the holder must—
- (a) if served personally with the notice, immediately surrender any handgun and ammunition referred to in the notice to the person serving the notice; or
 - (b) if served by post with the notice, within 7 days of the service of the notice, surrender any handgun and ammunition referred to in the notice to a police station.
- (2) If a member of the police force has reasonable grounds for believing that a person has not complied with subsection (1), the member—
- (a) must seize from the person any handgun and ammunition referred to in the notice, if the member is aware that any such handgun and any such ammunition is in the possession of the person; and

(b) may, at any reasonable time, without warrant, enter and search any premises where the person resides or has resided for the purpose of seizing any such handgun or ammunition.

(3) Despite the surrender or seizure of a handgun or ammunition under this section, the person who has surrendered the handgun or ammunition or from whom the handgun or ammunition has been seized continues to be the owner of the handgun or ammunition.

(4) If a person has surrendered a handgun or ammunition under this section or if a handgun or ammunition has been seized from a person under this section, that person must dispose of that handgun or ammunition to a licensed firearms dealer within 56 days of service of the notice from the Chief Commissioner under section 52A.

S. 53A(4)
inserted by
No. 78/2005
s. 26.

53B Surrender of handguns where certain conditions of category 1 or category 2 firearms collectors licence not complied with

S. 53B
inserted by
No. 28/2003
s. 27.

(1) If the holder of a category 1 or category 2 firearms collectors licence has been served with a notice from the Chief Commissioner under section 52B, the holder must—

(a) if served personally with the notice, immediately surrender any handgun and ammunition referred to in the notice to the person serving the notice; or

(b) if served by post with the notice, within 7 days of the service of the notice, surrender any handgun and ammunition referred to in the notice to a police station.

(2) If a member of the police force has reasonable grounds for believing that a person has not complied with subsection (1), the member—

- (a) must seize from the person any handgun and ammunition referred to in the notice, if the member is aware that any such handgun and any such ammunition is in the possession of the person; and
- (b) may, at any reasonable time, without warrant, enter and search any premises where the person resides or has resided for the purpose of seizing any such handgun or ammunition.
- (3) Despite the surrender or seizure of a handgun or ammunition under this section, the person who has surrendered the handgun or ammunition or from whom the handgun or ammunition has been seized continues to be the owner of the handgun or ammunition.
- (4) If a person has surrendered a handgun or ammunition under this section or if a handgun or ammunition has been seized from a person under this section, that person must dispose of that handgun or ammunition to a licensed firearms dealer within 56 days of service of the notice from the Chief Commissioner under section 52B.

S. 53B(4)
inserted by
No. 50/2007
s. 19.

Pt 2 Div. 10
(Heading)
amended by
No. 78/2005
s. 27.

Division 10—Exemptions, permits and provisional licences

S. 54
amended by
No. 28/2003
s. 28 (ILA
s. 39B(1)).

54 Persons who are exempt from the Part

- (1) Any non-prohibited person who is of a category of persons specified in an item in Column 1 of Schedule 3 who possesses, carries or uses a registered firearm in the circumstances set out in that item in Column 2 of Schedule 3 does not commit an offence against section 6 or 7 for so doing and is not required to hold a licence under this Part.

- (2) If a person receives instruction in the use of a general category handgun in accordance with the exemption set out in item 4 or 5A of Schedule 3, the person who gives the instruction, must, on each occasion on which that person gives that instruction, so notify the Chief Commissioner in the form approved by the Chief Commissioner.
- (3) A notification under subsection (2) must—
- (a) contain any information as to the identity of the person and the person who has given the instruction that the Chief Commissioner requires; and
 - (b) be signed by the person giving the notice; and
 - (c) must be given to the Chief Commissioner within 7 days of the day on which the person receives the instruction.
- (4) As part of a notification under subsection (2), the Chief Commissioner may require the person giving the notification to make a declaration—
- (a) that he or she has questioned the person as to whether or not the person is a prohibited person; and
 - (b) that he or she has questioned the person as to the number of occasions on which the person has received instruction in the use of a general category handgun; and
 - (c) that based on the answers he or she received in response to those questions, and on any other relevant facts available to him or her—
 - (i) whether or not he or she believes that the person is a prohibited person; and

S. 54(2)
inserted by
No. 28/2003
s. 28,
substituted by
No. 78/2005
s. 28,
amended by
No. 50/2007
s. 20(1).

S. 54(3)
inserted by
No. 28/2003
s. 28.

S. 54(3)(a)
amended by
No. 50/2007
s. 20(2).

S. 54(4)
inserted by
No. 28/2003
s. 28,
substituted by
No. 50/2007
s. 20(3).

s. 54AA

(ii) the number of occasions on which he or she believes that the person has received instruction in the use of a general category handgun.

S. 54(5)
inserted by
No. 28/2003
s. 28.

(5) A person must not give false information in a notification under subsection (2).

Penalty: 120 penalty units or 2 years imprisonment.

S. 54(6)
inserted by
No. 50/2007
s. 20(4).

(6) A person who is questioned under subsection (4) must not knowingly or recklessly give false information in response to a question asked of him or her under that subsection.

Penalty: 120 penalty units or 2 years imprisonment.

S. 54AA
inserted by
No. 52/2010
s. 17.

54AA Health service workers who are exempt from this Part

(1) A health professional or health service security guard who is not a prohibited person and who possesses or carries a firearm in a health service facility in the circumstances set out in subsection (3) does not commit an offence against section 6, 6A, 7, 7A or 7B for so doing and is not required to hold a licence under this Part.

(2) An ambulance officer who is not a prohibited person and who possesses or carries a firearm in a health service facility or public place in the circumstances set out in subsection (3) does not commit an offence against section 6, 6A, 7, 7A, 7B or 130(1) for so doing and is not required to hold a licence under this Part.

(3) For the purposes of subsections (1) and (2), the circumstances are that the health professional, health service security guard or ambulance worker—

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- (a) is carrying out his or her duties as a health professional, health service security guard or ambulance worker, as the case may be; and
- (b) either—
- (i) is given the firearm by a patient; or
 - (ii) removes the firearm from a patient; or
 - (iii) finds the firearm in the vicinity of the patient; or
 - (iv) is given the firearm by a health professional or ambulance worker who has taken possession of the firearm in the circumstances set out in this subsection.
- (4) A health professional, health security guard or ambulance worker who takes possession of a firearm in the circumstances set out in subsection (3) must notify a member of the police force as soon as practicable after having taken possession of the firearm.
- (5) The possession or carriage of a firearm by a health security guard in a health services facility in the circumstances set out in subsection (3) does not affect the operation of any licence held by the health security guard under this Part as a requirement of his or her work or contravene any conditions to which the licence is subject.
- (6) In this section—
- ambulance worker*** means an operational staff member of the ambulance services as defined in the **Ambulance Services Act 1986**;

health professional means—

- (a) a registered medical practitioner;
- (b) a nurse or midwife;
- (c) a registered psychologist;

health security guard means a security guard licensed under the **Private Security Act 2004** when working in a health service facility as a contractor or an employee;

health service facility means—

- (a) a day procedure centre; or
- (b) a denominational hospital; or
- (c) a multi purpose service; or
- (d) a private hospital; or
- (e) a public health service; or
- (f) a public hospital—

as defined in the **Health Services Act 1988**.

S. 54AB
inserted by
No. 11/2011
s. 7.

54AB Exemption of person exercising power under the Education and Training Reform Act 2006

- (1) A person who possesses or carries a firearm in a Government school or public place in the circumstances set out in subsection (2) does not commit an offence against section 6, 6A, 7, 7A or 7B for so doing and is not required to hold a licence under this Part.
- (2) For the purposes of subsection (1), the circumstances are that the person—
 - (a) is exercising a power under Part 5.8A of the **Education and Training Reform Act 2006**; and
 - (b) is not a prohibited person.

- (3) If a firearm has been seized under Part 5.8A of the **Education and Training Reform Act 2006** in the circumstances set out in subsection (2), the principal must, as soon as possible—
 - (a) advise a member of the police force of the seizure of the item; and
 - (b) if so requested by the member of the police force, surrender the item to a member of the police force.
- (4) In this section, *public place* includes any premises where students are engaged in a teacher supervised activity.

54A Exemptions from certain licence conditions

S. 54A
inserted by
No. 78/2005
s. 29.

- (1) The Chief Commissioner may exempt the holder of a handgun target shooting licence from being required to comply with a condition specified in section 16(2), (3) or (5), if the Chief Commissioner is satisfied that the person is unable to do so because—
 - (a) the person has a temporary physical incapacity; or
 - (b) the person is to be absent from the State for a substantial period of time; or
 - (c) for any other reasonable reason.
- (2) An exemption under this section remains in force for the period specified by the Chief Commissioner in the exemption.
- (3) In granting an exemption under this section the Chief Commissioner must determine whether the handguns to which the exemption applies are to be stored, during the period for which the exemption remains in force—

- (a) by the holder of the licence; or
- (b) by another person in accordance with a permit under section 121A.

55 Employees of licensed firearms dealers

A person who is employed by a licensed firearms dealer in the carrying on of the business does not commit an offence against section 6 or 7 for anything done during the course of and for the purposes of that employment.

56 Permits to display firearms or ammunition collections

S. 56(1)
amended by
Nos 22/1998
s. 43(Sch.
item 4(a)),
78/2005
s. 30(1).

- (1) If the holder of a firearms collectors licence (other than an antique handgun collectors licence) or a firearms ammunition collectors licence displays all or any of the firearms or cartridge ammunition in his or her collection, whether or not at the premises specified in the licence or at any other premises, the holder of the licence does not commit an offence against section 6, 7 or 8 or Part 6 if he or she has first obtained a permit from the Chief Commissioner to do so.

S. 56(1A)
inserted by
No. 50/2007
s. 21.

- (1A) The Chief Commissioner must not grant a permit under subsection (1) to the holder of a firearms collectors licence to display firearms or cartridge ammunition at a premises, if an approved firearms collectors club has been granted a permit under section 56A(1) that specifies the premises and the licence holder's name.

S. 56(2)
amended by
No. 22/1998
s. 43(Sch.
item 4(b)).

- (2) The Chief Commissioner may grant a permit under subsection (1), if the Chief Commissioner is satisfied that the arrangements made for the secure storage of the firearms or cartridge ammunition while on display are adequate.

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- (3) A permit authorises—
- (a) display of the firearms or cartridge ammunition at the premises specified in the permit and for the period specified in the permit; and
 - (b) carriage of the firearms or cartridge ammunition for the purposes of the display.
- (4) A permit to display firearms or cartridge ammunition at the premises specified in the licence is subject to the conditions fixed in the permit.
- (5) A permit to display firearms or cartridge ammunition at premises other than the premises specified in the licence is subject to any conditions imposed on that permit or on permits in the nature of that permit by the Chief Commissioner.
- (5A) The conditions that the Chief Commissioner may impose on a permit under this section may include conditions for or with respect to—
- (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to any such cancellation or suspension; and
 - (b) the length or term of the permit and any related matters.
- (6) An application for a permit must be made in the manner and form approved by the Chief Commissioner.
- (7) The applicant must pay the fee prescribed for such a permit.

S. 56(3)(a) amended by No. 22/1998 s. 43(Sch. item 4(b)).

S. 56(3)(b) amended by No. 22/1998 s. 43(Sch. item 4(b)).

S. 56(4) amended by No. 22/1998 s. 43(Sch. item 4(b)).

S. 56(5) amended by No. 22/1998 s. 43(Sch. item 4(b)).

S. 56(5A) inserted by No. 78/2005 s. 30(2).

- (8) The holder of the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

S. 56A
inserted by
No. 50/2007
s. 22.

56A Permits to display firearms or ammunition collections—Approved firearms collectors clubs

- (1) The Chief Commissioner may grant a permit to an approved firearms collectors club that authorises each holder of a firearms collectors licence, whose name and licence number is specified in the permit, to display firearms and cartridge ammunition possessed or carried under his or her licence at the premises specified in the permit.
- (2) The Chief Commissioner may grant a permit under subsection (1), if the Chief Commissioner is satisfied that the arrangements made for the secure storage of the firearms and cartridge ammunition while on display are adequate.
- (3) A person who holds a firearms collectors licence and who displays firearms and cartridge ammunition at the premises specified in a permit granted under subsection (1) does not commit an offence under section 6, 7 or 8 or Part 6 when acting under or in accordance with the permit.
- (4) A permit authorises—
- (a) display of the firearms or cartridge ammunition at the premises specified in the permit and for the period specified in the permit; and
 - (b) carriage of the firearms or cartridge ammunition for the purposes of the display.
- (5) A permit to display firearms or cartridge ammunition at the premises specified in the licence is subject to the conditions fixed in the permit.

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- (6) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.
 - (7) The conditions that the Chief Commissioner may impose on the permit under this section may include conditions for or with respect to—
 - (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to such cancellation or suspension; and
 - (b) the length or term of the permit and any related matters.
 - (8) An application for a permit must—
 - (a) be made in the manner and form approved by the Chief Commissioner; and
 - (b) be accompanied by the name and licence number of each holder of a firearms collectors licence who proposes to display firearms and cartridge ammunition at the premises specified in the permit.
 - (9) The applicant must pay the prescribed fee for such a permit.
 - (10) The holder of the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.
 - (11) A licence holder whose name is specified in the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.
 - (12) The holder of the permit must, before any firearms or cartridge ammunition are displayed under the permit, notify in writing each licence holder

whose name is specified in the permit of the conditions to which the permit is subject (if any).

Penalty: 60 penalty units or 12 months imprisonment.

57 Permits to possess, carry or use silencers or prescribed items

(1) A non-prohibited person must not possess, carry or use a—

- (a) silencer; or
- (b) prescribed item—

unless that person does so under and in accordance with a permit issued under this section.

Penalty: 120 penalty units or 2 years imprisonment.

(2) The Chief Commissioner may grant a permit to a person who is of or over the age of 18 years to possess, carry or use—

- (a) a silencer; or
- (b) a prescribed item.

(3) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.

(3A) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—

- (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to any such cancellation or suspension; and
- (b) the length or term of the permit and any related matters.

S. 57(3A)
inserted by
No. 78/2005
s. 31.

- (4) An application for a permit must be in the form approved by the Chief Commissioner.
- (5) The applicant must pay the prescribed fee for such a permit.
- (6) The holder of the permit must comply with the permit.

Penalty: 120 penalty units or 2 years imprisonment.

57A Permit for holder of handgun security guard licence to possess, carry or use restricted ammunition

S. 57A
inserted by
No. 78/2005
s. 65 (as
amended by
No. 50/2007
s. 58).

- (1) The holder of a handgun security guard licence must not possess, carry or use any restricted ammunition for any handgun he or she possesses, carries or uses under the licence unless that person does so under and in accordance with a permit issued under this section.

Penalty: 60 penalty units or 12 months imprisonment.

- (1A) Subsection (1) does not apply to the holder of a handgun security guard licence who possesses, carries or uses restricted ammunition that is not factory manufactured for a handgun which he or she possesses, carries or uses under the licence, in the course of training as a security guard.
- (2) The Chief Commissioner may grant a permit to the holder of a handgun security guard licence to possess, carry or use restricted ammunition.
- (3) The Chief Commissioner must not grant a permit under this section unless the Chief Commissioner reasonably believes that there is an exceptional and legitimate reason for doing so.

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- (4) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—
- (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to any such cancellation or suspension; and
 - (b) the length or term of the permit and any related matters.
- (5) An application for a permit must be in the form approved by the Chief Commissioner.
- (6) The applicant must pay the prescribed fee for such a permit.
- (7) The holder of the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

S. 57B
inserted by
No. 52/2010
s. 18.

57B Permits to assist in emergency or natural disaster

- (1) The Chief Commissioner may grant to a person a permit to possess, carry or use a category of firearm if—
- (a) the person holds a licence or permit to possess, carry or use that category of firearm issued in another State or a Territory that is the equivalent of a licence or permit issued under this Part; or
 - (b) the person is exempt under the laws of another State or a Territory from the requirement to hold a licence for that category of firearm.
- (2) The Chief Commissioner must not grant a permit under subsection (1) unless the Chief Commissioner is satisfied that it is necessary to do so to assist in an emergency or a natural disaster.

- (3) A permit under this section remains in force for the period specified by the Chief Commissioner in the permit, which must not be more than 3 months.
- (4) Subject to subsection (3), the Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.
- (5) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—
 - (a) the carriage and storage of firearms under the permit; and
 - (b) the circumstances in which the Chief Commissioner may cancel, suspend or vary the permit and any other matters related to cancellation, suspension or variation.
- (6) The holder of permit under this section does not commit an offence under section 6 or 7 when acting under and in accordance with the permit.
- (7) The holder of permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

58 Permits to carry or use firearms held under a collectors licence

- (1) The Chief Commissioner may grant a permit to the holder of a collectors licence to carry or use any category A, B or C longarm or a general category handgun held under the licence at a commemorative or historical event approved by the Chief Commissioner and sponsored by an approved organisation of firearms collectors and held at an approved range.

S. 58(1)
amended by
No. 28/2003
s. 29.

s. 58

S. 58(1A)
inserted by
No. 50/2007
s. 23.

(1A) The Chief Commissioner must not grant a permit under subsection (1) to the holder of a firearms collectors licence to carry or use a category A, B or C longarm or a general category handgun held under the licence at a commemorative or historical event if an approved firearms collectors club has been granted a permit under section 58AAA(1) for the commemorative or historical event to be specified in the permit which specifies the licence holder's name.

(2) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.

S. 58(2A)
inserted by
No. 78/2005
s. 32.

(2A) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—

(a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to any such cancellation or suspension; and

(b) the length or term of the permit and any related matters.

(3) The holder of a permit under this section does not commit an offence under section 6 or 7 when acting under and in accordance with the permit.

(4) An application for a permit must be in the form approved by the Chief Commissioner.

(5) The applicant must pay the prescribed fee for such a permit.

(6) The holder of the permit must comply with the permit.

Penalty: 120 penalty units or 2 years imprisonment.

58AAA Permits to carry or use firearms held under a collectors licence—approved firearms collectors clubs

S. 58AAA
inserted by
No. 50/2007
s. 24.

- (1) The Chief Commissioner may grant a permit to an approved firearms collectors club that authorises each holder of a firearms collectors licence, whose name and licence number is specified in the permit, to carry or use any firearm possessed or carried under his or her firearms collectors licence at a commemorative or historical event approved by the Chief Commissioner and held at an approved shooting range.
- (2) A person who is the holder of a firearms collectors licence and who carries or uses any firearm held under a firearms collectors licence at a commemorative or historical event in respect of which a permit has been granted under subsection (1), does not commit an offence under section 6 or 7 when acting under and in accordance with the permit.
- (3) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.
- (4) The conditions that the Chief Commissioner may impose on the permit under this section may include conditions for or with respect to—
 - (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to such cancellation or suspension; and
 - (b) the length or term of the permit and any related matters.
- (5) An application for a permit must—
 - (a) be made in the manner and form approved by the Chief Commissioner; and

(b) be accompanied by the name and licence number of each holder of a firearms collectors licence who proposes to carry or use any firearm held under his or her licence at a commemorative or historical event specified in the permit.

(6) The applicant must pay the prescribed fee for such a permit.

(7) The holder of the permit must comply with the permit.

Penalty: 120 penalty units or 2 years imprisonment.

(8) A licence holder whose name is specified in the permit must comply with the permit.

Penalty: 120 penalty units or 2 years imprisonment.

(9) The holder of the permit must, before the commemorative or historical event in respect of which the permit is issued, notify in writing each licence holder whose name is specified in the permit of the conditions to which the permit is subject (if any).

Penalty: 60 penalty units or 12 months imprisonment.

S. 58A
inserted by
No. 28/2003
s. 30,
substituted by
No. 78/2005
s. 33.

58A Provisional general category handgun licences

(1) The Chief Commissioner may grant a provisional licence to a member of an approved handgun target shooting club (who does not hold a handgun target shooting licence) to carry or use the classes of general category handguns specified in the provisional licence at approved handgun target shooting matches and handgun target shoots.

-
- (2) The Chief Commissioner must not grant a provisional licence under this section—
- (a) if the applicant is a prohibited person; or
 - (b) unless the Chief Commissioner is satisfied that the applicant is a fit and proper person to hold such a licence; or
 - (c) in the case of an applicant who is of or over 12 years of age and under 18 years of age, unless—
 - (i) the applicant has the written consent of his or her parent or guardian; or
 - (ii) the person who is to provide the instruction to the applicant has the consent of the applicant's parent or guardian; or
 - (d) for any other prescribed reason.
- (3) A provisional licence under this section remains in force for a period of no less than 6 months and no more than 12 months (as specified by the Chief Commissioner in the licence).
- (4) A provisional licence under this section may not be renewed.
- (5) A provisional licence under this section is subject to the condition that the holder of the licence must, within 3 months of the grant of the licence, complete a course in handgun safety approved by the Chief Commissioner.
- (6) A provisional licence under this section that authorises the carriage or use of a controlled handgun is subject to the condition that the handgun must not be carried or used except for the purpose of the holder of the licence making a decision as to whether to, in the course of applying for a general category handgun licence for the reason of target shooting—

-
- (a) purchase the handgun; and
- (b) make an application to the Chief Commissioner for an authorisation under section 7A for the handgun.
- (7) The Chief Commissioner may impose any conditions on a provisional licence under this section that the Chief Commissioner thinks fit.
- (8) The conditions that the Chief Commissioner may impose on a provisional licence granted under this section may include conditions for or with respect to the circumstances in which the Chief Commissioner may cancel or suspend the licence and any other matters related to any such cancellation or suspension.
- (9) An application for a provisional licence under this section must be in the form approved by the Chief Commissioner.
- (10) An applicant for a provisional licence under this section must pay the prescribed fee for such a licence.
- (11) The holder of a provisional licence must comply with the provisional licence.
Penalty: 120 penalty units or 2 years imprisonment.
- (12) In this section—
controlled handgun means a handgun that is of a class to which section 7A(1) applies.
-

**PART 3—CARRYING ON THE BUSINESS OF DEALING IN
FIREARMS AND RELATED ITEMS**

Division 1—Licensing of firearms dealers

59 Offence to carry on business of dealing in firearms

- (1) A person must not carry on the business of being a firearms dealer in category A or B longarms or paintball markers unless that person does so under and in accordance with a licence issued under this Part.

S. 59(1)
amended by
No. 78/2005
s. 34.

Penalty: 120 penalty units or 2 years
imprisonment.

- (2) A person must not carry on the business of being a firearms dealer—
- (a) in category C, D or E longarms or handguns;
or
- (b) in any other firearms to which subsection (1)
does not apply—

unless that person is the holder of a licence issued under this Part.

Penalty: 240 penalty units or 4 years
imprisonment.

- (3) In this Act, *carrying on the business of being a firearms dealer* includes, but is not limited to—

- (a) acquiring, disposing of, hiring, lending or transferring ownership in any firearms, firearms parts or cartridge ammunition; or

S. 59(3)(a)
amended by
No. 22/1998
s. 43(Sch.
item 5).

- (b) exposing or offering for sale any firearms, firearms parts or cartridge ammunition; or

S. 59(3)(b)
amended by
No. 22/1998
s. 43(Sch.
item 5).

s. 60

S. 59(3)(c)
amended by
No. 22/1998
s. 43(Sch.
item 5).

- (c) possessing for the purpose of disposing of, acting as an agent in the transfer of ownership in or repairing any firearms, firearms parts or cartridge ammunition; or
- (d) manufacturing or repairing any firearms or possessing any firearms parts for the purpose of manufacturing or repairing firearms.

60 Issue of dealers licences

- (1) The Chief Commissioner may licence a person to carry on the business of being a firearms dealer at the premises specified in the licence.
- (2) A licence issued by the Chief Commissioner under subsection (1) may—
 - (a) be issued in relation to all categories of firearms or in relation to those categories of firearms specified in the licence; and
 - (b) may authorise the carrying out of all aspects relating to the business of being a firearms dealer or may be limited to particular aspects of that business.

61 General discretion of Chief Commissioner to refuse a dealers licence

The Chief Commissioner must not issue a dealers licence to an applicant—

S. 61(a)
amended by
No. 28/2003
s. 31(a).

- (a) if the applicant, any close associate of the applicant, any responsible person in relation to the application or any person the applicant is proposing to employ in the business is a prohibited person; or
- (b) if the applicant or any responsible person in relation to the application is under the age of 21 years; or

- (c) unless the Chief Commissioner is satisfied that—
- (i) the applicant and all responsible persons in relation to the application and the persons the applicant is proposing to employ in the business—
 - (A) are fit and proper persons; and
 - (B) can carry on the business without being a danger to public safety or peace; and
 - (ii) the premises specified in the application are suitable to carry on the business of being a firearms dealer; and
 - (iii) the issue of the licence is not against the public interest; or
- (ca) unless the Chief Commissioner is satisfied that all close associates of the applicant are fit and proper persons; or
- (d) for any prescribed reason.

S. 61(c)(iii)
amended by
No. 22/1998
s. 18.

S. 61(ca)
inserted by
No. 28/2003
s. 31(b).

62 Review of decision not to issue licence

A non-prohibited person who has applied for a licence under this Part may apply to the Committee for a review of a decision of the Chief Commissioner—

- (a) not to issue a licence; or
- (b) to impose conditions on the licence.

Division 2—General provisions applying to dealers licences

63 Application for a dealers licence

- (1) A person who is applying for a dealers licence must make the application to the Chief Commissioner.
- (2) An application must be in a form and manner approved by the Chief Commissioner.
- (3) The applicant must pay the fee prescribed for licences in the nature of the licence applied for.
- (4) Subsection (3) does not apply to a person who applies for a licence and who is in partnership with another person who has paid the fee prescribed for a licence to carry on the business which is carried on by the partnership.
- (5) In subsection (4) *partnership* has the same meaning as in section 5 of the **Partnership Act 1958**.

S. 63(2)
amended by
No. 78/2005
s. 35.

S. 63(4)
inserted by
No. 22/1998
s. 19.

S. 63(5)
inserted by
No. 22/1998
s. 19.

64 Information required for an application by a natural person for a dealers licence

An application by a natural person for a dealers licence must be accompanied by—

- (aa) a statement setting out the name and address of any person who is a close associate of the applicant; and
- (a) proof of the identity of the applicant and any person the applicant proposes to employ in the business, being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference under the

S. 64(aa)
inserted by
No. 28/2003
s. 32(1),
amended by
No. 78/2005
s. 36.

Financial Transactions Reports Act 1988 of the Commonwealth; and

- (b) a full set of the applicant's fingerprints and the fingerprints of any person the applicant proposes to employ in the business; and
- (c) a full set of the fingerprints of any close associate of the applicant, or if it is not possible to obtain a full set of such fingerprints, if the Chief Commissioner so requires, any known information about the close associate.

S. 64(b)
amended by
No. 28/2003
s. 32(2)(a).

S. 64(c)
inserted by
No. 28/2003
s. 32(2)(b).

65 Information required for an application by a body corporate for a dealers licence

An application by a body corporate for a dealers licence must—

- (a) specify the officers of the body corporate; and
- (b) in respect of the premises for which the licence is to be issued, nominate the person who will be responsible for the day to day management of the business on that premises; and
- (c) be accompanied by, in respect of each responsible person and any person the applicant proposes to employ in the business—
 - (i) proof of the identity of each person, being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference under the Financial Transactions Reports Act 1988 of the Commonwealth; and

s. 66

S. 65(c)(ii)
amended by
No. 28/2003
s. 33(a).

- (ii) a full set of the person's fingerprints;
and

S. 65(d)
inserted by
No. 28/2003
s. 33(b).

- (d) be accompanied by—

S. 65(d)(i)
amended by
No. 78/2005
s. 37.

- (i) a statement setting out the name and address of any person who is a close associate of the applicant; and
- (ii) a full set of the fingerprints of any close associate of the applicant, or if it is not possible to obtain a full set of such fingerprints, if the Chief Commissioner so requires, any known information about the close associate.

66 28 day waiting period

The Chief Commissioner must not issue a dealers licence until 28 days have expired after the making of the application.

67 Particulars of dealers licences

- (1) A dealers licence must contain the following particulars—
 - (a) the name and address of the holder of the licence; and
 - (b) the nature of the licence; and
 - (c) the address of the premises to which the licence applies; and
 - (d) a summary of the storage requirements imposed by or under the Act; and
 - (e) any other prescribed particulars.

- (2) A dealers licence must contain a recent photograph of—
- (a) in the case of a licence issued to a natural person, that person; or
 - (b) in any other case, the nominated person—
- which complies with the Chief Commissioner's requirements.

68 Licence conditions for dealers licences

S. 68
substituted by
No. 26/1997
s. 24.

- (1) A dealers licence is subject to any conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (2) The holder of a dealers licence must comply with any conditions to which the licence is subject.

Penalty: 60 penalty units.

69 Variation of dealers licence conditions

- (1) The Chief Commissioner may, at any time vary any condition imposed on a dealers licence by the Chief Commissioner.
- (2) The variation of a condition under this section has effect upon the giving of notice of that variation to the holder of the licence.

70 Review of a decision to vary licence conditions

A non-prohibited person who is the holder of a dealers licence may apply to the Committee for a review of a decision of the Chief Commissioner to vary any of the conditions on the licence.

71 Duration of licences

A dealers licence continues in force for the period, not exceeding 5 years from the issue or renewal of the licence, that is specified in the licence.

72 Renewal of dealers licences

- (1) Before the expiration of a dealers licence, the holder may apply to the Chief Commissioner for renewal of the licence.
- (2) A person who is making an application for the renewal of a licence under this Part must make that application to the Chief Commissioner.
- (3) An application must—
 - (a) be in a form and manner approved by the Chief Commissioner; and

S. 72(3)(b)
repealed by
No. 78/2005
s. 38(a).

* * * * *

- (4) In the case of an application by a body corporate, if any of the responsible persons in relation to the licence have changed during the course of the licence, the application must be accompanied by—
 - (a) proof of the identity of the new persons, being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference in the Financial Transactions Reports Act 1988 of the Commonwealth; and
 - (b) a full set of each persons fingerprints.

S. 72(4A)
inserted by
No. 28/2003
s. 34.

- (4A) In addition to the requirements of subsections (3) and (4), if there is a close associate of the applicant for renewal who has not been disclosed to the Chief Commissioner, the application must be accompanied by—

(a) a statement setting out the name and address of any such close associate; and

S. 72(4A)(a)
amended by
No. 78/2005
s. 38(b).

(b) a full set of the fingerprints of any such close associate, or if it is not possible to obtain a full set of such fingerprints, if the Chief Commissioner so requires, any known information about the close associate.

(5) The applicant must pay the fee prescribed for renewals of licences in the nature of the licence to which the application relates.

(5A) Subsection (5) does not apply to a person who applies for a renewal and who is in partnership with another person who has paid the fee prescribed for the renewal of a licence to carry on the business which is carried on by the partnership.

S. 72(5A)
inserted by
No. 22/1998
s. 20.

(5B) In subsection (5A) *partnership* has the same meaning as in section 5 of the **Partnership Act 1958**.

S. 72(5B)
inserted by
No. 22/1998
s. 20.

(6) The Chief Commissioner may renew or refuse to renew a licence and, if a licence is to be renewed, the Chief Commissioner may alter or vary the conditions on the licence or impose further conditions on the licence.

73 General discretion of Chief Commissioner to refuse to renew a dealers licence

The Chief Commissioner must not renew a dealers licence—

(a) if the applicant, any close associate of the applicant or any responsible person in relation to the application is a prohibited person; or

S. 73(a)
amended by
No. 28/2003
s. 35(a).

(b) unless the Chief Commissioner is satisfied that—

S. 73(b)(i)
amended by
No. 28/2003
s. 35(b).

(i) the applicant, all close associates of the applicant, all the responsible persons in relation to the application and any persons employed in the business are fit and proper persons; and

(ii) the premises specified in the application are suitable to carry on the business of being a firearms dealer; and

S. 73(b)(iii)
amended by
No. 22/1998
s. 21.

(iii) the issue of the licence is not against the public interest; or

(c) for any prescribed reason.

74 Review of decision not to renew licence

A non-prohibited person who has applied for renewal of a licence under this Part may apply to the Committee for review of a decision of the Chief Commissioner not to renew the licence.

75 Requirement to notify Chief Commissioner of persons employed in business or change of nominated person

(1) The holder of a dealers licence must, immediately on the employment of a person in the business carried on under that licence, notify the Chief Commissioner of that employment.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) If the person nominated in an application under section 65 becomes a prohibited person during the course of a licence, the holder of the licence must nominate another person to be responsible for the day to day management of the business on the premises and must immediately notify the Chief Commissioner of that nomination.

Penalty: 60 penalty units or 12 months imprisonment.

- (3) At any time during the course of the licence, the holder of the licence may nominate a person to replace the person nominated in the application under section 65 and must immediately notify the Chief Commissioner of that nomination.

Penalty: 20 penalty units.

- (4) A notice under this section must—

- (a) be in writing; and
(b) be accompanied by—

- (i) proof of the identity of the person, being, if the Chief Commissioner so requires, proof in the same manner and to the same extent as is required for an identification reference under the Financial Transactions Reports Act 1988 of the Commonwealth; and
(ii) a full set of the person's fingerprints.

Penalty: 20 penalty units.

s. 75A

S. 75A
inserted by
No. 28/2003
s. 36.

75A Requirement to notify Chief Commissioner of close associates

- (1) If, at any time during the course of a dealers licence—
- (a) a person becomes a close associate of the holder of the licence; or
 - (b) ceases to be a close associate of the holder of the licence—

the holder of the licence must immediately notify the Chief Commissioner of that fact.

Penalty: 20 penalty units.

- (2) A notice under subsection (1) must—
- (a) be in writing; and
 - (b) set out the name and address of the person who has become or ceased to be a close associate (as the case requires); and
 - (c) be accompanied by a full set of fingerprints of any person who has become a close associate of the applicant, or if it is not possible to obtain a full set of such fingerprints, if the Chief Commissioner so requires, any known information about the person.

S. 75B
inserted by
No. 28/2003
s. 36.

75B Offence to employ prohibited persons in management of business

The holder of a dealers licence must not—

- (a) employ a prohibited person in the business conducted under the licence; or
- (b) engage a prohibited person to act as an agent in the business conducted under the licence.

Penalty: 60 penalty units.

Division 3—Suspension, cancellation and transfer of dealers licences

76 Immediate cancellation of a dealers licence

- (1) Immediately on becoming aware that—
 - (a) the holder of a dealers licence; or
 - (b) in the case of a licence which is held by a body corporate, any officer of the body corporate—

is a prohibited person the Chief Commissioner must cancel the licence.
- (2) The Chief Commissioner must notify the holder of the licence of the cancellation of the licence, either personally or by post.

77 Suspension of a dealers licence and notice of proposal to cancel

- (1) If the Chief Commissioner is satisfied that there may be grounds for cancelling a dealers licence under section 79 the Chief Commissioner may suspend the licence.
- (2) The Chief Commissioner must serve notice of the suspension of the licence on the holder of the licence either personally or by post.
- (3) A notice under subsection (2) must—
 - (a) state that the licence is suspended; and
 - (b) state that the Chief Commissioner is satisfied that there are grounds for the cancellation of the licence; and
 - (c) set out those grounds; and
 - (d) set out the time within which written submissions on the proposed cancellation of the licence may be made to the Chief Commissioner.

-
- (4) A suspension under this section remains in force until—
- (a) if the Chief Commissioner decides to cancel the licence, the coming into effect of that cancellation; or
 - (b) if the Chief Commissioner decides not to cancel the licence, the making of that decision.
- (5) The holder of a licence, whose licence is suspended is deemed not to be the holder of a licence for the period of the suspension.

78 Making of submissions

- (1) The holder of a licence who has been notified under section 77 may make written submissions on the proposal to cancel the licence.
- (2) Submissions made under subsection (1) must be made within 28 days of the holder being notified.

79 Power of Chief Commissioner to cancel a dealers licence

The Chief Commissioner may cancel a dealers licence suspended under section 77 if, after considering any submissions made within the time fixed for making submissions, the Chief Commissioner is satisfied—

- (a) that the holder has knowingly supplied false or misleading information in a material particular in, or in connection with the application for the licence or the renewal of the licence; or
- (b) that the holder has contravened or failed to comply with the conditions of the licence; or

(c) that the holder has contravened or failed to comply with any requirement for the storage of firearms possessed, carried or used under the licence; or

(d) that the holder of the licence no longer carries on business at the premises specified in the licence; or

(e) that—

(i) the holder of the licence or any responsible person in relation to the licence; or

(ii) any person employed in the business; or

S. 79(e)(ii)
amended by
No. 28/2003
s. 37(a).

(iii) any close associate of the holder of the licence—

S. 79(e)(iii)
inserted by
No. 28/2003
s. 37(b).

is no longer a fit and proper person; or

(f) that—

(i) the holder of the licence or any responsible person in relation to the licence; or

(ii) any person employed in the business—

cannot carry on, or be employed in the business without being a danger to public safety or peace; or

(g) that—

- (i) the holder of the licence or any responsible person in relation to the licence; or
- (ii) any person employed in the business—
has contravened a provision of this Act or the regulations; or
- (h) that the premises in respect of which the licence has been issued have become unsuitable to carry on the business of being a firearms dealer; or
- (i) that the holder is no longer entitled to hold the licence for any other prescribed reason.

80 Notice of Chief Commissioner's decision

- (1) The Chief Commissioner must notify the holder of the licence as to whether or not he or she has decided to cancel the licence under section 79 and must set out the reasons for that decision in the notice.
- (2) A notice under subsection (1) may be served on the licence holder either personally or by post.

81 Coming into effect of cancellation

Cancellation of a licence by the Chief Commissioner has effect from the time at which notice of the cancellation is served on the licence holder.

82 Right of appeal against cancellation of licence

The holder of a licence under this Part whose licence has been cancelled by the Chief Commissioner under section 79 may, if he or she is a non-prohibited person, apply to the Committee for a review of that decision.

83 Surrender of firearms and licence document

If a dealers licence is suspended or cancelled, the holder must—

- (a) if served personally with notice of the suspension or cancellation, immediately surrender any firearms or cartridge ammunition held under the licence and the licence document to the person serving the notice; and
- (b) if served by post with notice of the suspension or cancellation, within 7 days of service of the notice, surrender any firearms or cartridge ammunition held under the licence and the licence document to a police station.

S. 83(a)
amended by
No. 22/1998
s. 43(Sch.
item 6).

S. 83(b)
amended by
No. 22/1998
s. 43(Sch.
item 6).

Penalty: 240 penalty units or 4 years imprisonment.

84 Application to carry on business

- (1) A dealers licence may be transferred in any of the following circumstances—
 - (a) if the dealer has died; or
 - (b) if the dealer has become bankrupt or has assigned his business for the benefit of his creditors; or
 - (c) if the dealer has become a patient within the meaning of the **Mental Health Act 1986**.
- (2) In the circumstances in which subsection (1)(a) applies, the executors or administrators of the dealer's estate, or, if probate or letters of administration have not been granted, the surviving spouse or domestic partner (as the case may be) or any member of the dealer's family may apply to the Chief Commissioner for a transfer of the licence.

S. 84(2)
amended by
No. 72/2001
s. 3 (Sch.
item 8.3(a)).

S. 84(4)
amended by
No. 72/2001
s. 3 (Sch.
item 8.3(b)).

(3) In the circumstances in which subsection (1)(b) applies, the trustee in bankruptcy, receiver or assignee (as the case requires) may apply for a transfer of the licence.

(4) In the circumstances in which subsection (1)(c) applies, the spouse or domestic partner or any member of the dealer's family or any person nominated for the purpose by State Trustees within the meaning of the **State Trustees (State Owned Company) Act 1994** may apply for a transfer of the licence.

85 Chief Commissioner may transfer authority to conduct business

(1) The Chief Commissioner may, if the Chief Commissioner thinks fit, transfer a dealers licence to any person who has applied for such a transfer under section 84 or to any person specified in an application for such a transfer under section 84.

(2) A licence transferred under subsection (1) continues in force until the date of expiration of the original licence and is on the same terms and subject to the same conditions as applied to the original licence.

(3) The person to whom the licence has been transferred is deemed to be the holder of the licence.

86 Prohibition on any other transfer of licence

Except as otherwise provided for in this Division, the Chief Commissioner must not transfer a dealers licence.

Division 4—Records to be kept by licensed firearms dealers

87 Requirement to keep register of transactions

- (1) A licensed firearms dealer must ensure that a record of each transaction whereby—
- (a) a firearm is acquired by the dealer or otherwise comes into the possession of the dealer; or
 - (b) a firearm is disposed of, hired or loaned by the dealer or otherwise goes out of the possession of the dealer; or
 - (c) the dealer acts as an agent for the acquisition or disposal of a firearm—

S. 87(1)(b)
amended by
No. 50/2007
s. 25(1).

is recorded in a register of transactions.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A licensed firearms dealer must ensure that the register of transactions contains in relation to each transaction—
- (a) in the case of a firearm coming into the possession of the dealer—
 - (i) the prescribed particulars about the person who has given possession of the firearm, and the licence number or other evidence of the person's authority to possess the firearm; and
 - (ii) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and
 - (b) in the case of a firearm going out of the possession of the dealer—
 - (i) where the case so requires, the permit to acquire; and

S. 87(2)(a)(ii)
amended by
No. 52/2010
s. 19(a).

s. 87

- (ii) the prescribed particulars about the person who is acquiring possession of the firearm, and the licence number or other evidence of the person's authority to possess the firearm; and
 - (iii) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and
- (c) in the case of a firearm in respect of which the dealer is acting as an agent for the person acquiring the firearm—
- (i) where the case so requires, the permit to acquire; and
 - (ii) the prescribed particulars about the person who is acquiring the firearm, and the licence number or other evidence of the person's authority to possess the firearm; and
 - (iii) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and
- (d) in the case of a firearm in respect of which the dealer is acting as an agent for the person disposing of the firearm—
- (i) the prescribed particulars about the person who is disposing of the firearm, and the licence number or other evidence of the person's authority to possess the firearm; and
 - (ii) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and
- (e) any other prescribed particulars.

S. 87(2)(b)(iii)
amended by
No. 52/2010
s. 19(b).

S. 87(2)(c)(iii)
amended by
No. 52/2010
s. 19(c).

S. 87(2)(d)(ii)
amended by
No. 52/2010
s. 19(d).

Penalty: 120 penalty units or 2 years imprisonment.

(3) A licensed firearms dealer must ensure that the register of transactions—

- (a) is kept at the premises specified in the licence; and
- (b) is kept in a place of safekeeping and separately from any place of safekeeping where firearms are kept; and
- (c) is available for inspection by a member of the police force at any reasonable time.

Penalty: 60 penalty units or 12 months imprisonment.

(4) A licensed firearms dealer must ensure that the record of a transaction or dealing is made immediately on the transaction taking place.

Penalty: 30 penalty units.

(5) A licensed firearms dealer must ensure that any entry in a register of transactions kept by him is kept for a period of 5 years after the entry is made in the register.

Penalty: 30 penalty units.

(6) A person whose dealers licence has expired or has been suspended or cancelled must—

- (a) keep the register of transactions in which he or she has kept his or her transactions for a period of 5 years after the last entry has been made in the register; or
- (b) surrender the register of transactions kept by him or her to the Chief Commissioner of Police at any time during the period of 5 years after his or her licence expired or was suspended or cancelled.

Penalty: 30 penalty units.

**S. 87(6)
inserted by
No. 50/2007
s. 25(2).**

88 Firearms to be labelled with transaction details

A licensed firearms dealer must ensure that a label is fixed to each firearm in the dealers possession which shows a number which is capable of being used to identify the record of any transaction or dealing in the firearm in the register of transactions.

Penalty: 10 penalty units.

89 Power to inspect register and stock

- (1) A member of the police force may inspect the register of transactions and the stock kept by a licensed firearms dealer at any reasonable time.
- (2) A member of the police force may inspect the register of transactions kept by a person under section 87(6) at any reasonable time.

90 Power to require production of licence

- (1) A member of the police force who is at the premises where a licensed firearms dealer carries on the business to which the licence relates may demand that the dealer produce the licence for inspection.
- (2) A person must comply with a demand under subsection (1) unless that person has a reasonable excuse.

Penalty: 10 penalty units.

Division 5—Display by dealers

91 Display of firearms by dealers

- (1) If a licensed firearms dealer acquires, disposes of or displays all or any of the firearms kept under the licence at a premises other than the licensed premises, the holder of the licence does not commit an offence against Division 1 of this Part

S. 89
amended by
No. 50/2007
s. 26 (ILA
s. 39B(1)).

S. 89(2)
inserted by
No. 50/2007
s. 26.

or Part 6 if he or she has first obtained a permit from the Chief Commissioner to do so.

- (2) The Chief Commissioner may issue a permit if he or she is satisfied that the arrangements made for the secure storage of the firearms while on display are adequate.
- (3) A permit authorises—
 - (a) the person specified in the permit to acquire, dispose of or display the firearms at the premises specified in the permit and for the period specified in the permit; and
 - (b) carriage of the firearms for the purposes of the display.
- (4) The Chief Commissioner may impose any conditions on the permit that he or she thinks fit.
- (5) An application for a permit must be made in the manner and form approved by the Chief Commissioner.
- (6) The applicant must pay the fee prescribed for such a permit.
- (7) The holder of the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

92 Display Offences

A licensed firearms dealer must ensure that any firearms displayed on the licensed premises—

- (a) are under the immediate supervision and control of the dealer or an employee of the dealer; and

- (b) are secured in a manner which would prevent removal by any person other than the dealer or an employee of the dealer.

Penalty: 120 penalty units or 2 years imprisonment.

Pt 3 Div. 6
(Heading and
s. 92A)
inserted by
No. 22/1998
s. 22.

Division 6—Permits

S. 92A
inserted by
No. 22/1998
s. 22.

92A Permits for theatrical armourers

- (1) If a licensed firearms dealer hires or lends firearms kept under the licence for carriage or use outside the licensed premises in the production of any film, in any television or theatrical production or in an historical re-enactment, the holder of the licence does not commit an offence against Division 1 of this Part or Part 6 if he or she has first obtained a permit from the Chief Commissioner to do so.
- (2) The Chief Commissioner may grant a permit under subsection (1), if the Chief Commissioner is satisfied that the arrangements made for the supervision and safe handling of the firearms while being carried or used outside the licensed premises are adequate.
- (3) A permit authorises the storage, carriage and use of the firearms outside the licensed premises, for the period specified in the permit.
- (4) A permit is subject to the following conditions—
 - (a) at any time when the firearm is being carried or used by a person who is not the licensed firearms dealer or an employee of the dealer—

- (i) that person must be directly supervised by the dealer or an employee of the dealer; or
 - (ii) in the case of a firearm which has been rendered permanently inoperable, the Chief Commissioner has been notified, before the carriage or use of the firearm, that the firearm is to be carried or used without the direct supervision of the dealer or an employee of the dealer;
- (b) any firearm being carried or used under the permit must be carried or used without ammunition or with only blank or dummy ammunition;
- (c) a person who is not the licensed firearms dealer or an employee of the dealer must not carry or use any firearm unless that person is, at the time, taking part in the production or re-enactment.
- (5) The Chief Commissioner may impose any other conditions on a permit that he or she thinks fit.
- (6) An application for a permit must be made in the manner and form approved by the Chief Commissioner.
- (7) The applicant must pay the fee prescribed for a permit.
- (8) The holder of a permit under this section must comply with the permit.

S. 92A(4)(a)(ii)
amended by
No. 52/2010
s. 20.

Penalty: 60 penalty units or 12 months imprisonment.

**PART 4—ACQUISITION AND DISPOSAL OF FIREARMS
AND RELATED ITEMS**

**Division 1—Offences relating to the acquisition and disposal
of firearms**

93 Persons from whom a dealer can acquire firearms

- (1) A licensed firearms dealer must not acquire a category A or B longarm unless the firearm is being acquired from a person listed in subsection (4).

Penalty: 60 penalty units or 12 months imprisonment.

- (2) A licensed firearms dealer must not acquire a category C or D longarm or a general category handgun unless the firearm is being acquired from a person listed in subsection (4).

Penalty: 120 penalty units or 2 years imprisonment.

- (3) A licensed firearms dealer must not acquire a—

(a) category E longarm or a category E handgun;
or

(b) any other firearm to which subsections (1)
and (2) do not apply—

unless the firearm is being acquired from a person listed in subsection (4).

Penalty: 240 penalty units or 4 years imprisonment.

S. 93(2)
amended by
No. 28/2003
s. 38(1).

S. 93(3)(a)
amended by
No. 28/2003
s. 38(2).

(4) A firearm may be acquired under this section from any of the following—

- (a) another person who is a licensed firearms dealer;
- (b) a person who is authorised by a licence under this Act to possess, carry or use that firearm;
- (c) a person who is exempted by this Act from the requirement to have a licence in order to possess, carry or use that category of firearm;

- (ca) a member of staff of the Office of Police Integrity who is—
 - (i) exempted by this Act from the requirement to have a licence in order to possess, carry or use firearms; and
 - (ii) authorised under section 103A of the **Police Integrity Act 2008** to acquire or dispose of firearms;

S. 93(4)(ca)
inserted by
No. 55/2009
s. 15.

- (d) a deceased estate;
- (e) another person in circumstances authorised by this Act or by any Commonwealth Act relating to the importation of firearms;
- (f) in the case of a category A or B longarm, a person who is the holder of an inter-State licence which authorises the possession, carriage or use of the longarm being disposed of and who is also the holder of an inter-State permit to acquire a category A or B longarm where—

S. 93(4)(f)
inserted by
No. 22/1998
s. 23.

- (i) the permit to acquire has been issued not more than 28 days before the disposal of the firearm; and

S. 93(4)(g)
inserted by
No. 22/1998
s. 23,
amended by
No. 28/2003
s. 38(3).

- (ii) in order to dispose of the firearm, the person personally attends at the premises where the dealer to whom the firearm is being disposed of carries on business;
- (g) in the case of a category C longarm or a general category handgun, a person who is the holder of an inter-State licence which authorises the possession, carriage or use of the longarm or handgun being disposed of and who is also the holder of an inter-State permit to acquire a category C longarm or a general category handgun where—
 - (i) the permit to acquire has been issued not more than 28 days before the disposal of the firearm; and
 - (ii) in order to dispose of the firearm, the person personally attends at the premises where the dealer to whom the firearm is being disposed of carries on business.

94 Persons to whom a dealer can dispose of firearms

- (1) A licensed firearms dealer must not dispose of a category A or B longarm unless the dealer reasonably believes that the firearm is being disposed of to a person listed in subsection (4).

Penalty: 60 penalty units or 12 months imprisonment.

- (2) A licensed firearms dealer must not dispose of a category C or D longarm or a general category handgun unless the dealer reasonably believes that the firearm is being disposed of to a person listed in subsection (4).

Penalty: 120 penalty units or 2 years imprisonment.

S. 94(2)
amended by
No. 28/2003
s. 39(1).

(3) A licensed firearms dealer must not dispose of—

(a) a category E longarm or a category E handgun; or

S. 94(3)(a)
amended by
No. 28/2003
s. 39(2).

(b) any other firearm to which subsections (1) and (2) do not apply—

unless the dealer reasonably believes that the firearm is being disposed of to a person listed in subsection (4).

Penalty: 240 penalty units or 4 years imprisonment.

(4) A firearm may be disposed of under this section to any one of the following—

(a) another person who is a licensed firearms dealer;

(b) a person who is authorised by a licence under this Act to possess, carry or use that firearm and who holds a permit under this Act to acquire that firearm;

(c) a person who is exempted by this Act from the requirement to have a licence in order to possess, carry or use that category of firearm;

(ca) a member of staff of the Office of Police Integrity who is—

S. 94(4)(ca)
inserted by
No. 55/2009
s. 16.

(i) exempted by this Act from the requirement to have a licence in order to possess, carry or use firearms; and

(ii) authorised under section 103A of the **Police Integrity Act 2008** to acquire or dispose of firearms;

(d) a member of the police force, who is acting in the course of his or her duty;

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S. 94(4)(e)
inserted by
No. 84/1997
s. 44.

- (e) a person who is the holder of an inter-State permit to acquire a category A or B longarm where—
- (i) that person is acquiring a category A or B longarm in accordance with the permit; and
 - (ii) the permit has been issued not more than 28 days before the acquisition of the longarm; and
 - (iii) in order to acquire the longarm, the permit holder personally attends at the premises where the dealer from whom the longarm is being acquired carries on business;

S. 94(4)(f)
inserted by
No. 84/1997
s. 44,
amended by
No. 28/2003
s. 39(3).

- (f) a person who is the holder of an inter-State permit to acquire a category C longarm or a general category handgun where—

S. 94(4)(f)(i)
amended by
No. 28/2003
s. 39(3).

- (i) that person is acquiring a category C longarm or a general category handgun in accordance with the permit; and
- (ii) the permit has been issued not more than 28 days before the acquisition of the firearm; and
- (iii) in order to acquire the firearm, the permit holder personally attends at the premises where the dealer from whom the firearm is being acquired carries on business.

95 Prohibition on acquisition of firearm except from licensed firearms dealer

- (1) A person who is not a licensed firearms dealer must not acquire a category A or B longarm from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 95(1)
amended by
No. 28/2003
s. 40(1).

Penalty: 120 penalty units or 2 years imprisonment.

- (1A) A person who is not a licensed firearms dealer must not acquire a paintball marker from a person who is not a licensed firearms dealer, unless the person who is acquiring the paintball marker engages a licensed firearms dealer as his or her agent in the transaction.

S. 95(1A)
inserted by
No. 78/2005
s. 39.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A person who is not a licensed firearms dealer must not acquire a category C or D longarm from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 95(2)
amended by
No. 28/2003
s. 40(2).

Penalty: 240 penalty units or 4 years imprisonment.

- (2A) A person who is not a licensed firearms dealer must not acquire a general category handgun from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 95(2A)
inserted by
No. 28/2003
s. 40(3).

Penalty: 600 penalty units or 5 years imprisonment.

s. 96

S. 95(3)
amended by
No. 28/2003
s. 40(4).

- (3) A person who is not a licensed firearms dealer must not acquire a category E longarm from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 600 penalty units or 7 years imprisonment.

S. 95(4)
inserted by
No. 28/2003
s. 40(5).

- (4) A person who is not a licensed firearms dealer must not acquire a category E handgun from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 1200 penalty units or 10 years imprisonment.

96 Prohibition on disposal of firearm except to licensed firearms dealer

S. 96(1)
amended by
No. 28/2003
s. 41(1).

- (1) A person who is not a licensed firearms dealer must not dispose of a category A or B longarm to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 120 penalty units or 2 years imprisonment.

S. 96(1A)
inserted by
No. 78/2005
s. 40.

- (1A) A person who is not a licensed firearms dealer must not dispose of a paintball marker to a person who is not a licensed firearms dealer, unless the person who is disposing of the paintball marker engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A person who is not a licensed firearms dealer must not dispose of a category C or D longarm to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 96(2)
amended by
No. 28/2003
s. 41(2).

Penalty: 240 penalty units or 4 years imprisonment.

- (2A) A person who is not a licensed firearms dealer must not dispose of a general category handgun to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 96(2A)
inserted by
No. 28/2003
s. 41(3).

Penalty: 600 penalty units or 5 years imprisonment.

- (3) A person who is not a licensed firearms dealer must not dispose of a category E longarm to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 96(3)
amended by
No. 28/2003
s. 41(4).

Penalty: 600 penalty units or 7 years imprisonment.

- (4) A person who is not a licensed firearms dealer must not dispose of a category E handgun to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 96(4)
inserted by
No. 28/2003
s. 41(5).

Penalty: 1200 penalty units or 10 years imprisonment.

97 Fees to be charged by dealers

A licensed firearms dealer must not charge more than the prescribed amount for acting as an agent under section 95 or 96.

Penalty: 10 penalty units.

98 Requirement for taking or giving of possession of firearm to be in person

(1) A person who is not a licensed firearms dealer must not take possession of a firearm by any means other than by personally receiving possession of the firearm.

Penalty: 120 penalty units or 2 years imprisonment.

(2) A person who is not a licensed firearms dealer must not give possession of a firearm by any means other than by personally giving possession of the firearm.

Penalty: 120 penalty units or 2 years imprisonment.

99 Control of acquisition from a place outside the State

(1) If a licensed firearms dealer is acquiring a category A or B longarm from a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not take possession of that firearm from any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 60 penalty units or 12 months imprisonment.

- (1A) If a licensed firearms dealer is acquiring a paintball marker from a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not take possession of that firearm from any person other than a person who holds a licence in that place which corresponds with a dealers licence.

S. 99(1A)
inserted by
No. 78/2005
s. 41.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) If a licensed firearms dealer is acquiring a category C or D longarm or a general category handgun from a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not take possession of that firearm from any person other than a person who holds a licence in that place which corresponds with a dealers licence.

S. 99(2)
amended by
No. 28/2003
s. 42(1).

Penalty: 120 penalty units or 2 years imprisonment.

- (3) If a licensed firearms dealer is acquiring a category E longarm or a category E handgun from a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not take possession of that firearm from any person other than a person who holds a licence in that place which corresponds with a dealers licence.

S. 99(3)
amended by
No. 28/2003
s. 42(2).

Penalty: 240 penalty units or 4 years imprisonment.

100 Control of disposal to place outside the State

- (1) If a licensed firearms dealer is disposing of a category A or B longarm to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another

s. 100

person), the dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 60 penalty units or 12 months imprisonment.

S. 100(1A)
inserted by
No. 78/2005
s. 42.

- (1A) If a licensed firearms dealer is disposing of a paintball marker to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 60 penalty units or 12 months imprisonment.

S. 100(2)
amended by
No. 28/2003
s. 43(1).

- (2) If a licensed firearms dealer is disposing of a category C or D longarm or a general category handgun to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 120 penalty units or 2 years imprisonment.

S. 100(3)
amended by
No. 28/2003
s. 43(2).

- (3) If a licensed firearms dealer is disposing of a category E longarm or a category E handgun to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 240 penalty units or 4 years imprisonment.

100A Hiring and loaning of firearms by licensed firearms dealers

S. 100A
inserted by
No. 50/2007
s. 27.

A licensed firearms dealer must not hire or loan a firearm to a person unless—

- (a) the person is the holder of a licence that authorises the person to possess, carry or use the type of firearm sought to be hired or loaned; and
- (b) 28 days or more have expired since the issue of the licence referred to in paragraph (a); and
- (c) the person possesses a registered firearm under the licence, that has been acquired before the hiring or loan takes place.

Penalty: 120 penalty units or 2 years imprisonment.

101 Prohibitions on advertising

- (1) A person must not publish or cause to be published an advertisement which advertises that a firearm is offered for sale by a person who is not a licensed firearms dealer.

Penalty: 40 penalty units.

- (2) In any proceedings for an offence under subsection (1) it is a defence to prove that immediately before making the publication, the person publishing the advertisement or causing the advertisement to be published reasonably believed that the person by whom the firearm was offered for sale was the holder of a firearms dealers licence.

s. 101A

- (3) A person must not publish or cause to be published an advertisement that a firearm is for sale if the advertisement does not contain the serial number of the firearm and the licence number of the person disposing of the firearm.
Penalty: 10 penalty units.
- (4) In any proceedings for an offence under subsection (3) it is a defence to prove that immediately before making the publication, the person publishing the advertisement or causing the advertisement to be published, after making reasonable enquiries, did not know that the advertisement indicated that a firearm was for sale.
- (5) Subsections (1) and (2) do not apply to the publication of an advertisement in a magazine published by an approved club or in a commercially published firearms or shooting sports magazine.

S. 101A
inserted by
No. 28/2003
s. 44.

101A Prohibition on the acquisition or disposal of traffickable quantities of firearms

- (1) A person, who is not the holder of a dealers licence, must not acquire or dispose of more than 10 unregistered firearms within a period of 7 days.
Penalty: 1200 penalty units or 10 years imprisonment.
- (2) Subsection (1) does not apply if, in respect of any one of the 10 firearms, the person has given a notice to the Chief Commissioner under section 115.
- (3) A person who is convicted or found guilty of an offence against subsection (1) is not liable to be convicted or found guilty of an offence against section 95(1), (2), (2A), (3) or (4), section 96(1), (2), (2A), (3) or (4) or section 102(1), (2), (2A),

(3) or (3A) in respect of possession of the same firearms at the same time.

101B Prohibition on providing financial accommodation for the illegal acquisition or disposal of firearms

S. 101B
inserted by
No. 28/2003
s. 44.

- (1) A person must not lend money, guarantee the lending of money or otherwise provide financial accommodation for the purpose of acquiring or disposing of a category A or B longarm—
- (a) knowing that the acquisition or disposal does not comply with this Act; or
 - (b) being reckless as to whether or not the acquisition or disposal complies with this Act.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A person must not lend money, guarantee the lending of money or otherwise provide financial accommodation for the purpose of acquiring or disposing of a category C or D longarm or a general category handgun—
- (a) knowing that the acquisition or disposal does not comply with this Act; or
 - (b) being reckless as to whether or not the acquisition or disposal complies with this Act.

Penalty: 240 penalty units or 4 years imprisonment.

- (3) A person must not lend money, guarantee the lending of money or otherwise provide financial accommodation for the purpose of acquiring or disposing of a category E longarm or a category E handgun—
- (a) knowing that the acquisition or disposal does not comply with this Act; or

(b) being reckless as to whether or not the acquisition or disposal complies with this Act.

Penalty: 600 penalty units or 7 years imprisonment.

Division 2—Permit to acquire a firearm

102 Offence to acquire a firearm without a permit

(1) A person must not acquire a category A or B longarm unless that person has a permit to acquire that firearm.

Penalty: 60 penalty units or 12 months imprisonment.

S. 102(1A)
inserted by
No. 78/2005
s. 43.

(1A) A person must not acquire a paintball marker unless that person has a permit to acquire that firearm.

Penalty: 60 penalty units or 12 months imprisonment.

S. 102(2)
amended by
No. 28/2003
s. 45(1).

(2) A person must not acquire a category C or D longarm unless that person has a permit to acquire that firearm.

Penalty: 120 penalty units or 2 years imprisonment.

S. 102(2A)
inserted by
No. 28/2003
s. 45(2).

(2A) A person must not acquire a general category handgun unless that person has a permit to acquire that handgun.

Penalty: 600 penalty units or 5 years imprisonment.

(3) A person must not acquire a category E longarm unless that person has a permit to acquire that firearm.

Penalty: 240 penalty units or 4 years imprisonment.

- (3A) A person must not acquire a category E handgun unless that person has a permit to acquire that handgun.
- Penalty: 1200 penalty units or 10 years imprisonment.
- (4) Subsections (1), (2), (2A), (3) and (3A) do not apply to a person who is a licensed firearm dealer.
- (4A) Subsections (1), (2) and (2A) do not apply to a member of staff of the Office of Police Integrity who is authorised under section 103A of the **Police Integrity Act 2008** to acquire or dispose of firearms.
- (5) Subsection (1) does not apply to a person—
- (a) who is the holder of an inter-State permit to acquire a category A or B longarm which has been issued not more than 28 days before the acquisition of the longarm; and
 - (b) who is acquiring a category A or B longarm in accordance with the permit; and
 - (c) who, in order to acquire the longarm, personally attends at the premises where the dealer—
 - (i) from whom the longarm is being acquired; or
 - (ii) who is acting as agent in the transaction—(as the case requires) carries on business.

S. 102(3A)
inserted by
No. 28/2003
s. 45(3).

S. 102(4)
amended by
No. 28/2003
s. 45(4).

S. 102(4A)
inserted by
No. 55/2009
s. 17.

S. 102(5)
inserted by
No. 84/1997
s. 45.

s. 102

S. 102(6)
inserted by
No. 84/1997
s. 45.

(6) Subsection (2) does not apply to a person—

S. 102(6)(a)
amended by
No. 28/2003
s. 45(5).

(a) who is the holder of an inter-State permit to acquire a category C longarm which has been issued not more than 28 days before the acquisition of the firearm; and

S. 102(6)(b)
amended by
No. 28/2003
s. 45(5).

(b) who is acquiring a category C longarm in accordance with the permit; and

(c) who, in order to acquire the firearm, personally attends at the premises where the dealer—

(i) from whom the firearm is being acquired; or

(ii) who is acting as agent in the transaction—

(as the case requires) carries on business.

S. 102(7)
inserted by
No. 28/2003
s. 45(6).

(7) Subsection (2A) does not apply to a person—

(a) who is the holder of an inter-State permit to acquire a general category handgun which has been issued not more than 28 days before the acquisition of the firearm; and

(b) who is acquiring a general category handgun in accordance with the permit; and

(c) who, in order to acquire the firearm, personally attends at the premises where the dealer—

(i) from whom the firearm is being acquired; or

(ii) who is acting as agent in the transaction—

(as the case requires) carries on business.

103 Issue of permit to acquire

The Chief Commissioner may issue a permit to a person to acquire a firearm if that person is the holder of a licence under Part 2 and that licence authorises the possession of that firearm (whether or not generally or in specific terms).

104 General discretion of Chief Commissioner to refuse to issue a permit to acquire

(1) The Chief Commissioner must not issue a permit to acquire—

- (a) if the applicant or any responsible person in relation to the application is a prohibited person; or
- (b) unless the Chief Commissioner is satisfied that—
 - (i) the applicant and all responsible persons in relation to the application are fit and proper persons; and
 - (ii) the applicant can comply with the storage requirements set out by or under the Act; and
 - (iii) the acquisition of the firearm is not against the public interest; or

S. 104(1)(b)(iii)
amended by
No. 22/1998
s. 24(a).

(c) for any prescribed reason; or

(d) unless—

- (i) the applicant can demonstrate that the reason for which the licence was required continues to apply in respect

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S. 104(1)(d)(ii)
amended by
No. 28/2003
s. 46(1)(a).

of the category of firearm for which the application for the permit is made; and

- (ii) in the case of an application for a permit to acquire a category B longarm or a general category handgun, the applicant has demonstrated a genuine need to possess, carry or use a category B longarm or a general category handgun; and

S. 104(1)
(d)(iia)
inserted by
No. 28/2003
s. 46(1)(b).

- (iia) in the case of an application for a permit to acquire a category E handgun, the applicant has demonstrated a compelling reason to possess, carry or use a category E handgun; and

- (iii) in the case of an application for a permit to acquire a category C or D firearm—

- (A) if the application is for a semi-automatic rifle, the applicant does not possess another semi-automatic rifle; and

S. 104(1)
(d)(iii)(B)
amended by
Nos 22/1998
s. 24(b),
28/2003
s. 46(1)(c).

- (B) if the application is for a semi-automatic shotgun or a pump action shotgun and the applicant holds the relevant licence for a reason set out in section 11(1)(a)(i), (ii) or (iv), the applicant does not possess another semi-automatic shotgun or pump action shotgun; or

S. 104(1)(e)
inserted by
No. 28/2003
s. 46(2),
amended by
No. 78/2005
s. 44(a)(i).

- (e) in the case of an application for a permit to acquire a handgun by a person who has held a handgun target shooting licence for a period of 6 months or less, for any general category handgun other than—

- (i) a 177 inch calibre air handgun, if the applicant has not already acquired such a handgun; or
 - (ii) a 22 inch calibre handgun or a centre fire handgun, if the applicant has not already acquired a handgun of either such class; or
 - (iii) a black powder handgun that is muzzle loading, if the applicant has not already acquired such a handgun; or
- (f) in the case of an application for a permit to acquire a handgun by a person who holds a handgun target shooting licence—
- (i) unless a nominated officer of an approved handgun target shooting club, of which the applicant is and has been a member for the period of 6 months immediately preceding the application, has endorsed the application; or
 - (ii) if the applicant has not been a member of an approved handgun target shooting club for the period of 6 months immediately preceding the application, unless—
 - (A) a nominated officer of an approved handgun target shooting club of which the applicant is a member has endorsed the application; and
 - (B) a nominated officer of an approved handgun target shooting club, of which the applicant has been a member, in the preceding 12 months, for a consecutive period of at least 6 months, has endorsed the application; or

S. 104(1)(e)(iii)
inserted by
No. 78/2005
s. 44(a)(ii).

S. 104(1)(f)
inserted by
No. 28/2003
s. 46(2),
amended by
No. 78/2005
s. 44(b).

s. 105

S. 104(1)(g)
inserted by
No. 28/2003
s. 46(2).

(g) in the case of an application for a permit to acquire a handgun for the purpose of collecting handguns, unless a nominated officer of an approved firearms collectors club to which the applicant belongs has endorsed the application.

S. 104(2)
amended by
No. 28/2003
s. 46(3).

- (2) In determining whether or not an applicant has a genuine need to possess, carry or use a category B longarm or a general category handgun, the Chief Commissioner must have regard to—
- (a) in the case of a category B longarm, whether or not the need expressed by the applicant cannot be satisfied by the possession, carriage or use of a category A longarm; and
 - (b) in any case, the number, category and type of firearms already possessed by the applicant; and
 - (c) any other prescribed matter.

105 Review of decision not to issue permit

A non-prohibited person who has applied for the issue of a permit to acquire, may apply to the Committee for a review of a decision of the Chief Commissioner not to issue a permit to that person.

106 Application for a permit to acquire

S. 106(1A)
inserted by
No. 50/2007
s. 28.

(1) A person who is applying for a permit to acquire must make the application to the Chief Commissioner.

S. 106(2)
amended by
No. 78/2005
s. 45.

- (1A) An application must specify the address where it is proposed that the firearm will ordinarily be stored.
- (2) An application must be in a form and manner approved by the Chief Commissioner.

- (3) The applicant must pay the prescribed fee for the permit.

107 Waiting period for issue of permit

S. 107
substituted by
No. 22/1998
s. 25.

- (1) In the case of an application for a permit to acquire which has been made by a person who does not possess a registered firearm under a licence under this Act, the Chief Commissioner must not issue the permit until 28 days have expired after the making of the application for the permit.
- (2) In any other case the Chief Commissioner must not issue the permit until sufficient time has expired to allow the Chief Commissioner to consider the application properly.

108 Form of permit

A permit to acquire must be in the form approved by the Chief Commissioner.

109 Conditions applying to a permit

- (1) A permit to acquire is subject to any condition which is imposed on that permit or generally on permits to acquire by the Chief Commissioner and which is specified in the permit.
- (2) A person who is the holder of a permit to acquire must comply with any condition to which the permit is subject.

Penalty: 30 penalty units.

110 Duration of permit

A permit to acquire continues in force from the time it is issued—

- (a) for a period of 28 days; or

(b) until the firearm to which it relates is acquired; or

(c) if the permit is cancelled, until it is cancelled—

whichever occurs first.

111 Cancellation of permit

(1) A permit to acquire may be cancelled at any time by the Chief Commissioner.

(2) The Chief Commissioner must serve notice of the cancellation of the permit on the holder of the permit, either personally or by post and must give reasons for the cancellation in the notice.

(3) Cancellation of a permit under this section has effect from the time at which notice under subsection (2) is served.

112 Surrender of firearms acquired under cancelled permit

(1) If a permit to acquire is surrendered or cancelled, the person to whom it was issued must immediately surrender to a member of the police force—

(a) the permit; and

(b) any firearm acquired under the permit.

Penalty: 60 penalty units or 12 months imprisonment.

(2) Despite the surrender or seizure of a firearm under this section, the person who has surrendered the firearm or from whom the firearm has been seized continues to be the owner of the firearm.

Firearms Act 1996

No. 66 of 1996

Part 4—Acquisition and Disposal of Firearms and Related Items

s. 112

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- (3) If the permit of a person who has surrendered a firearm or from whom a firearm has been seized, is cancelled, that person must dispose of the firearm to a licensed firearms dealer within 28 days of the cancellation of the permit.

S. 112(3)
amended by
No. 26/1997
s. 25.

Penalty: 60 penalty units or 12 months imprisonment.

PART 5—REGISTRATION OF FIREARMS

113 Keeping of register

- (1) The Chief Commissioner must keep a register of each firearm kept within the State.
- (2) The register is to be called the firearms register.
- (3) The following particulars must be included in the firearms register (to the extent that the particulars are known to the Chief Commissioner) against the firearm to which they apply—
 - (a) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and
 - (b) the name of the person who possesses the firearm; and
 - (c) particulars of the licence under which the firearm is possessed ; and
 - (ca) the address at which the firearm is ordinarily stored; and
 - (d) any other prescribed information.
- (4) The Chief Commissioner may enter any other information relating to the firearm on the register.

S. 113(3)
amended by
No. 50/2007
s. 29(1).

S. 113(3)(a)
amended by
No. 52/2010
s. 21.

S. 113(3)(ca)
inserted by
No. 50/2007
s. 29(2).

114 Exemption from Freedom of Information Act

- (1) The firearms register is an exempt document for the purposes of the **Freedom of Information Act 1982**.
- (2) Subsection (1) does not apply where a person is applying for information on the firearms register which specifically relates to that person.

115 Notice of bringing into the State

- (1) A person who brings a firearm into the State for the purpose of keeping it in the State must give notice of the bringing in of that firearm to the Chief Commissioner.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) A notice under subsection (1) must be—

- (a) in the form approved by the Chief Commissioner; and
(b) given within 7 days after the firearm has been brought into the State.

Penalty: 30 penalty units.

- (3) This section does not apply a person who brings a firearm into the State for the purpose of disposing of that firearm in the State where that person is—

- (a) the holder of an inter-State licence which authorises the possession, carriage or use of that firearm; and
(b) the holder of an inter-State permit to acquire a firearm, being a permit in respect of which not more than 28 days have expired since its issue.

S. 115(3)
inserted by
No. 22/1998
s. 26.

116 Notice of removal from the State

- (1) A person who removes a firearm from the State for the purpose of no longer keeping it in the State must give notice of the removal of that firearm to the Chief Commissioner.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) A notice under subsection (1) must be—

- (a) in the form approved by the Chief Commissioner; and

s. 117

(b) given not less than 7 days before the firearm is removed from the State.

Penalty: 40 penalty units.

S. 116(3)
inserted by
No. 84/1997
s. 46.

(3) This section does not apply to a person who removes a firearm from the State for the purpose of no longer keeping it in the State where that firearm has been acquired in accordance with an inter-State permit to acquire and that firearm has been acquired in circumstances to which section 102(5) or (6) applies.

S. 117
amended by
No. 50/2007
s. 30 (ILA
s. 39B(1)).

117 Certificate of registration

(1) Immediately on registering a firearm, the Chief Commissioner must issue a certificate of registration for that firearm to the person who possesses the firearm which—

(a) sets out the details of the registration of the firearm; and

(b) the name of the person who possesses the firearm; and

(c) any other prescribed information.

(2) Despite subsection (1), the Chief Commissioner is not required to issue a certificate of registration in respect of a firearm if the Chief Commissioner is not aware of the person who possesses the firearm or of the licence particulars of the person who possesses the firearm.

S. 117(2)
inserted by
No. 50/2007
s. 30.

S. 118
amended by
No. 22/1998
s. 27.

118 Notice of transactions

A licensed firearms dealer must ensure that written notice of each transaction or dealing in firearms under the licence is sent to the Chief Commissioner within 28 days of the transaction or dealing taking place.

Penalty: 60 penalty units or 12 months imprisonment.

119 Power of Chief Commissioner to require information

- (1) The Chief Commissioner may, by notice in writing addressed to the holder of a licence under this Act, require the holder to give the Chief Commissioner any information relating to the acquisition, disposal, possession, hiring or loaning of—
- (a) firearms, firearm parts, silencers or prescribed items under the licence that are specified in the notice; or
 - (b) firearms, firearms parts, silencers or prescribed items that have been manufactured by the holder of the licence.
- (2) A person to whom a notice under subsection (1) is addressed must comply with the notice within 7 days of the giving of the notice.

S. 119(1)
substituted by
No. 50/2007
s. 31.

Penalty: 60 penalty units or 12 months imprisonment.

119A Power of Chief Commissioner to require firearm to have a serial number

S. 119A
inserted by
No. 28/2003
s. 47.

- (1) The Chief Commissioner may, before registering a firearm, by notice in writing require the person who possesses the firearm to have that firearm stamped with a number that will enable that firearm to be individually identified.
- (2) A person to whom a notice under subsection (1) is addressed must comply with the notice within 28 days of the giving of the notice, unless the person has made an application under section 119B within the 28 day period.

Penalty: 60 penalty units or 6 months imprisonment.

- (3) This section does not apply to a firearm that is not required to be registered under this Act.

s. 119B

S. 119B
inserted by
No. 28/2003
s. 47.

119B Application to have serial number affixed by a method other than stamping

- (1) A person who has received a notice in writing from the Chief Commissioner under section 119A(1) may apply to the Chief Commissioner, in writing, to have the number that enables the firearm to be individually identified applied to the firearm in a manner other than stamping.
- (2) An application under subsection (1) must be made within 28 days of the giving of the notice.
- (3) On receiving an application under subsection (1), the Chief Commissioner may, in writing, approve a manner of affixing the number to the firearm other than by stamping, and may impose conditions on that approval.
- (4) A person to whom an approval under subsection (3) is addressed must comply with the approval, within 28 days of the giving of the approval.

Penalty: 60 penalty units or 6 months imprisonment.

S. 120
amended by
Nos 28/2003
s. 48, 55/2009
s. 18 (ILA
s. 39B(1)).

120 Offence not to produce firearm for inspection

- (1) A person in whose name a firearm is registered must produce the firearm for inspection at any reasonable time and at any reasonably convenient place when so requested by a member of the police force.

Penalty: 60 penalty units or 12 months imprisonment.

S. 120(2)
inserted by
No. 55/2009
s. 18.

- (2) This section does not apply in respect of a firearm registered in the name of the Director, Police Integrity.

PART 6—STORAGE

121 Storage of firearms under longarm and handgun licences

- (1) A person who possesses a firearm under a longarm licence for a category A or B longarm must store that firearm, when the firearm is not being carried or used—
- (a) in the manner provided for in item 1 of Schedule 4; or
 - (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 60 penalty units or 12 months imprisonment.

- (1A) A person who possesses cartridge ammunition under a longarm licence for a category A or B longarm must store that cartridge ammunition, when the cartridge ammunition is not being carried or used—
- (a) in the manner provided for in item 1 of Schedule 4; or
 - (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) A person who possesses a firearm under a handgun licence for a general category handgun or a longarm licence for a category C or D longarm must store that firearm, when the firearm is not being carried or used—
- (a) in the manner provided for in item 2 of Schedule 4; or

S. 121(1A)
inserted by
No. 22/1998
s. 28(1).

S. 121(2)
amended by
No. 28/2003
s. 49(1).

(b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 120 penalty units or 2 years imprisonment.

S. 121(2A)
inserted by
No. 22/1998
s. 28(2),
amended by
No. 28/2003
s. 49(2).

(2A) A person who possesses cartridge ammunition under a handgun licence for a general category handgun or a longarm licence for a category C or D longarm must store that cartridge ammunition, when the cartridge ammunition is not being carried or used—

(a) in the manner provided for in item 2 of Schedule 4; or

(b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 120 penalty units or 2 years imprisonment.

S. 121(3)
amended by
No. 28/2003
s. 49(3).

(3) A person who possesses a firearm under a handgun licence for a category E handgun or under a longarm licence for a category E longarm must store that firearm, when the firearm is not being carried or used, in the manner provided for by the Chief Commissioner in the licence.

Penalty: 240 penalty units or 4 years imprisonment.

S. 121(3A)
inserted by
No. 22/1998
s. 28(3),
amended by
No. 28/2003
s. 49(4).

(3A) A person who possesses cartridge ammunition under a handgun licence for a category E handgun or under a longarm licence for a category E longarm must store that cartridge ammunition, when the cartridge ammunition is not being carried or used in the manner provided for by the Chief Commissioner in the licence.

Penalty: 240 penalty units or 4 years imprisonment.

121A Permit to store handguns

(1) The Chief Commissioner may grant a permit to a person who is the holder of a general category handgun licence or a dealers licence to store, at the premises specified in the permit, the handguns that are—

**S. 121A
inserted by
No. 28/2003
s. 50.**

(a) specified in the permit; and

(b) possessed by another holder of a general category handgun licence who is unable to comply with the condition of the licence set out in section 16(3) and (4) or the condition set out in section 16(5) and (6) because the holder—

**S. 121A(1)(b)
amended by
No. 107/2003
s. 7(1).**

(i) proposes to be absent from the State for a substantial period of time; or

(ii) is temporarily physically incapacitated.

(2) The Chief Commissioner must not grant a permit under this section—

(a) if the applicant is a prohibited person; or

(b) unless the Chief Commissioner is satisfied that the applicant is a fit and proper person to hold such a permit; or

(c) unless the Chief Commissioner is satisfied that the licence holder under whose licence the handguns are possessed, carried or used is unable to comply with the condition of the licence set out in section 16(3) and (4) or the condition set out in section 16(5) and (6) because the holder—

**S. 121A(2)(c)
amended by
No. 107/2003
s. 7(2).**

(i) proposes to be absent from the State for a substantial period of time; or

(ii) is temporarily physically incapacitated.

- (3) A permit under this section remains in force for the period specified in the permit, but in no case, for more than 12 months.
- (4) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.
- (5) The holder of a permit under this section does not commit an offence under this Part or under section 7 when acting under and in accordance with the permit.
- (6) The licence holder under whose licence the handguns are possessed, carried or used does not commit an offence under this Part or under section 7 or 36 when the handguns are stored under and in accordance with the permit.
- (7) An application for a permit must be in the form approved by the Chief Commissioner.
- (8) The applicant must pay the prescribed fee for such a permit.
- (9) The holder of the permit must comply with the permit.

Penalty: 60 penalty units.

122 Storage of firearms under firearms collectors and firearms heirlooms licences and ammunition under firearms ammunition collectors licence

- (1) A person (who is not a person to whom subsection (1A) applies) who possesses a firearm (that is not a category E handgun or a category E longarm) under a firearms collectors licence must store that firearm, when the firearm is not being carried—
 - (a) in the manner provided for in item 3 of Schedule 4; or

S. 122(1)
amended by
Nos 22/1998
s. 29(1),
28/2003
s. 51(1).

(b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 120 penalty units or 2 years imprisonment.

(1A) If—

- (a) a person possesses not more than 15 category A or B longarms under a firearms collectors licence; and
- (b) that person does not possess any other firearms under that licence; and
- (c) the longarms are stored on a premises where no other firearms are stored—

the person must store each firearm held under that licence, when the firearm is not being carried—

- (d) in the manner provided for in item 3A of Schedule 4; or
- (e) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 120 penalty units or 2 years imprisonment.

(2) A person who possesses a category E handgun or a category E longarm under a firearms collectors licence must store that firearm in the manner fixed in the licence.

Penalty: 240 penalty units or 4 years imprisonment.

(3) A person who possesses a firearm under a firearms heirlooms licence must store that firearm, when the firearm is not being carried—

- (a) in the manner provided for in item 4 of Schedule 4; or

S. 122(1A)
inserted by
No. 22/1998
s. 29(2).

S. 122(2)
amended by
No. 28/2003
s. 51(2).

- (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 10 penalty units.

S. 122(4)
amended by
No. 22/1998
s. 43(Sch.
item 7).

- (4) A person who possesses cartridge ammunition under a firearms ammunition collectors licence must store that ammunition, when the ammunition is not being carried—

- (a) in the manner provided for in item 5 of Schedule 4; or

- (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 10 penalty units.

123 Storage of firearms under dealers licences

- (1) A person who possesses a category A or B longarm under a dealers licence must store that firearm in the manner fixed in the licence.

Penalty: 60 penalty units or 12 months imprisonment.

S. 123(2)
amended by
No. 28/2003
s. 52(1).

- (2) A person who possesses a category C or D longarm or a general category handgun under a dealers licence must store that firearm in the manner fixed in the licence.

Penalty: 120 penalty units or 2 years imprisonment.

S. 123(3)
amended by
No. 28/2003
s. 52(2).

- (3) A person who possesses a category E longarm or a category E handgun under a dealers licence must store that firearm in the manner fixed in the licence.

Penalty: 240 penalty units or 4 years imprisonment.

-
- (4) A person who possesses ammunition under a dealers licence must store that ammunition in the manner fixed in the licence.

S. 123(4)
inserted by
No. 22/1998
s. 30.

Penalty: 120 penalty units or 2 years
imprisonment.

s. 123A

Pt 6A
(Heading and
ss 123A–
123W)
inserted by
No. 28/2003
s. 53.

S. 123A
inserted by
No. 28/2003
s. 53.

S. 123B
inserted by
No. 28/2003
s. 53.

S. 123B(1A)
inserted by
No. 78/2005
s. 46.

PART 6A—APPROVED CLUBS

Division 1—Approved handgun target shooting clubs

123A Power of the Chief Commissioner to approve handgun target shooting clubs

- (1) For the purposes of this Act the Chief Commissioner may approve a person or body that conducts handgun target shooting matches, if that person or body is either—
 - (a) a person incorporated under the Corporations Act; or
 - (b) a body incorporated under the **Associations Incorporation Act 1981**.
- (2) The Chief Commissioner must not approve a person or body under subsection (1) if any person who is a director or office holder of that person or body is a prohibited person.

123B Approved handgun target shooting clubs—Record keeping requirements

- (1) In relation to any approved handgun target shooting match conducted by an approved handgun target shooting club, the club must keep a record of—
 - (a) the time and place of the match; and
 - (b) details of any handgun used by each person participating in the match; and
 - (c) the name and handgun licence number of each person participating in the match.
- (1A) In relation to any handgun target shoot conducted by an approved handgun target shooting club, the club must keep a record of—

-
- (a) the time and place of the shoot; and
 - (b) details of any handgun used by each person participating in the shoot; and
 - (c) the name and handgun licence number of each person participating in the shoot.
- (2) In relation to applications for membership of the club, the club must keep a record of—
- (a) a copy of each application that has been made; and
 - (b) any information that had been given to the club with each such application.
- (3) Records that are required to be kept under this section must be—
- (a) in writing; and
 - (b) in the form approved by the Chief Commissioner; and
 - (c) kept at the premises approved by the Chief Commissioner; and
 - (d) available to be produced to or inspected by a member of the police force at any reasonable time; and
 - (e) kept in an accurate and legible manner; and
 - (f) made as soon as reasonably practicable after—
 - (i) the approved handgun target shooting match or handgun target shoot to which the record relates takes places; or
 - (ii) the application to which the record relates is made.

S. 123B(3)(d)
amended by
No. 50/2007
s. 32(a).

S. 123B(3)(e)
inserted by
No. 50/2007
s. 32(b).

S. 123B(3)(f)
inserted by
No. 50/2007
s. 32(b).

s. 123C

**123C Approved handgun target shooting clubs—
reporting requirements**

S. 123C
(Heading)
substituted by
No. 78/2005
s. 47(1).
S. 123C
inserted by
No. 28/2003
s. 53.

- (1) An approved handgun target shooting club must, within the 3 months after the end of each calendar year submit to the Chief Commissioner a report setting out—

S. 123C(1)(a)
amended by
No. 78/2005
s. 47(2)(a).

- (a) a list giving details of all the approved handgun target shooting matches conducted by the club during the year and of all the handgun target shoots conducted by the club during the year; and

- (b) the names of all persons who were, at any time during the year, members of the club; and

S. 123C(1)(c)
amended by
No. 78/2005
s. 47(2)(d).

- (c) in respect of each such member of the club, if—
- (i) the club is the only approved handgun target shooting club of which that person is a member; or
- (ii) if the club has been nominated by the member as his or her principal club—

details of—

S. 123C(1)
(c)(iii)
amended by
No. 78/2005
s. 47(2)(b).

- (iii) each approved handgun target shooting match and each handgun target shoot conducted by the club that that member competed in and details of each handgun used by that member at each such match and shoot; and

- (iv) each approved handgun target shooting match and each handgun target shoot conducted by any other approved handgun target shooting club that that member competed in and details of each handgun used by that member at each such match and shoot; and
- (v) each handgun target shooting match and each handgun target shoot conducted in another State or a Territory or a place outside Australia that that member competed in and details of each handgun used by that member at each such match and shoot.

S. 123C(1)
(c)(iv)
amended by
Nos 78/2005
s. 47(2)(c),
52/2010
s. 22(1).

S. 123C(1)
(c)(v)
inserted by
No. 52/2010
s. 22(2),
amended by
No. 12/2012
s. 11.

Penalty: 20 penalty units.

- (2) A report under subsection (1) must be—
- (a) in writing; and
- (b) in the prescribed form.

S. 123C(2)(b)
substituted by
No. 78/2005
s. 47(3).

- (3) In this section *competed* has the same meaning as in section 16.

**123D Approved handgun target shooting clubs—
Requirements as to members**

S. 123D
inserted by
No. 28/2003
s. 53.

- (1) An approved handgun target shooting club must take the prescribed measures to ensure that any holder of a general category handgun licence whose licence has been suspended or cancelled does not take part in any handgun target shooting match or handgun target shoot conducted by the club.

S. 123D(1)
amended by
No. 50/2007
s. 33(1).

s. 123D

S. 123D(1A)
inserted by
No. 78/2005
s. 48,
amended by
No. 50/2007
s. 33(1).

- (1A) An approved handgun target shooting club must take the prescribed measures to ensure that any holder of a provisional general category handgun licence whose provisional licence has been suspended or cancelled does not take part in any handgun target shooting match or handgun target shoot conducted by the club.
- (2) An approved handgun target shooting club must not admit a person as a member of the club if the person is a prohibited person.
- (3) An approved handgun target shooting club must not admit a person as a member unless a nominated officer of the club reasonably believes that that person has submitted to the club—
 - (a) any records about that person kept by or on behalf of the Chief Commissioner or any person holding a position equivalent to that of the Chief Commissioner in the Commonwealth or in any other State or Territory of the Commonwealth; and
 - (b) two character references from people who are of or over the age of 18 years, who are of good repute and who have known the person for a minimum of 2 years; and
 - (c) the names of any other approved handgun target shooting clubs of which that person is a member; and
 - (d) the names of any other approved handgun target shooting clubs which, at any time in the 5 years immediately preceding the application, the applicant—
 - (i) has applied to join; or
 - (ii) has had a membership of; or

- (iii) has had a membership of cancelled or suspended; or
- (iv) has been refused membership of; and
- (e) on the form approved by the Chief Commissioner—
 - (i) details of all handguns owned or possessed by the applicant; and
 - (ii) details of any handguns (not in the possession of the applicant) for which the applicant—
 - (A) has applied for a permit to acquire; or
 - (B) has, or has previously been issued with, a permit to acquire; or
 - (C) for which a permit to acquire has previously been refused.
- (4) An approved handgun target shooting club must notify the Chief Commissioner—
 - (a) of the acceptance of each new member of the club within 28 days of having done so; and
 - (b) of the refusal of an application for membership within 7 days of having done so; and
 - (c) of the name of any person who has surrendered his or her membership or who has had his or her membership suspended or cancelled, within 7 days of that surrender, suspension or cancellation.
- (5) For the purposes of this Act, a person is taken not to be a member of an approved handgun target shooting club until the Chief Commissioner receives notification of that person's membership under subsection (3).

S. 123D(4)(b)
amended by
No. 50/2007
s. 33(2)(a).

S. 123D(4)(c)
inserted by
No. 50/2007
s. 33(2)(b).

s. 123E

S. 123E
inserted by
No. 28/2003
s. 53.

123E Approved handgun target shooting clubs—Reports to the Chief Commissioner as to unfit members

- (1) If the nominated officers of an approved handgun target shooting club believe—
 - (a) that a person who is a member of the club is not a fit and proper person to possess, carry or use a handgun; and
 - (b) that that person—
 - (i) has a general category handgun licence under this Act; or
 - (ii) intends to apply for such a licence; or
 - (iii) possesses or intends to possess a firearm—

the nominated officers must so advise the Chief Commissioner.

- (2) If an approved handgun target shooting club cancels or suspends the membership of a person, within 7 days of cancelling or suspending that membership, a nominated officer, on behalf of the club, must so notify the Chief Commissioner and must advise the Chief Commissioner of the reasons for cancelling or suspending that membership.

S. 123F
inserted by
No. 28/2003
s. 53.

123F Approved handgun target shooting clubs—Power to endorse applications for general category handgun licences

- (1) For the purposes of section 15(3) or section 18(5), a nominated officer of an approved handgun target shooting club, on behalf of the club, may endorse an application for a general category handgun licence by a member of the club if the nominated officer is satisfied that—

- (a) the member has successfully completed a course in handgun safety approved by the Chief Commissioner; and
 - (b) the member has a good knowledge of firearms and firearms laws; and
 - (c) the member has safely participated in at least 5 approved handgun target shooting matches; and
 - (d) the member can comply with the storage requirements of this Act.
- (2) An endorsement under this section must be made in the form and manner approved by the Chief Commissioner.

123G Approved handgun target shooting clubs—Power to endorse applications for permits to acquire

S. 123G
inserted by
No. 28/2003
s. 53.

- (1) For the purposes of section 104(1)(f) a nominated officer of an approved handgun target shooting club, on behalf of a club, may endorse an application for a permit to acquire a handgun by a member of the club if the nominated officer is satisfied that—
- (a) the member has successfully completed a course in handgun safety approved by the Chief Commissioner; and
 - (b) the member has a good knowledge of firearms and firearms laws; and
 - (c) the member can comply with the storage requirements of this Act; and
 - (d) the handgun is necessary to enable the applicant to participate in a particular class of approved handgun target shooting matches conducted by the club or another approved handgun target shooting club.

S. 123G(1)(d)
amended by
No. 78/2005
s. 49.

s. 123H

- (2) An endorsement under this section must be made in the form and manner approved by the Chief Commissioner.

Division 2—Approved firearms collectors clubs

123H Power of the Chief Commissioner to approve firearms collectors clubs

S. 123H
inserted by
No. 28/2003
s. 53.

- (1) For the purposes of this Act the Chief Commissioner may approve a person or body that has as its members persons who collect firearms, if that person or body is either—
- (a) a person incorporated under the Corporations Act; or
 - (b) a body incorporated under the **Associations Incorporation Act 1981**.
- (2) The Chief Commissioner must not approve a person or body under subsection (1) if any person who is a director or office holder of that person or body is a prohibited person.

123I Approved firearms collectors clubs—Power to endorse applications for firearms collectors licences

S. 123I
inserted by
No. 28/2003
s. 53.

- (1) For the purposes of section 21(2)(c) or section 21A(2)(c), a nominated officer of an approved firearms collectors club, on behalf of the club, may endorse an application for a category 1 or category 2 firearms collectors licence (as the case requires) by a member of the club if the nominated officer is satisfied that—
- (a) the member has a good knowledge of firearms and firearms laws; and
 - (b) the member can comply with the storage requirements of this Act.
- (2) An endorsement under this section must be made in the form and manner approved by the Chief Commissioner.

123J Approved firearms collectors clubs—Power to endorse applications for permits to acquire

S. 123J
inserted by
No. 28/2003
s. 53.

- (1) For the purposes of section 104(1)(g), a nominated officer of an approved firearms collectors club, on behalf of the club, may endorse an application by a member for a permit to acquire a handgun, if the nominated officer is satisfied that—
 - (a) the handgun that the member is intending to acquire under the permit is a handgun the member is entitled to hold under a category 1 or category 2 firearms collectors licence held by the person; and
 - (b) the member understands handgun safety; and
 - (c) the member has storage arrangements for the handgun that comply with the requirements of this Act.
- (2) An endorsement under this section must be made in the form and manner approved by the Chief Commissioner.

123K Approved firearms collectors clubs—Reports to the Chief Commissioner as to unfit members

S. 123K
inserted by
No. 28/2003
s. 53.

- (1) If the nominated officers of an approved firearms collectors club believe—
 - (a) that a person who is a member of the club is not a fit and proper person to possess, carry or use a firearm; and
 - (b) that that person—
 - (i) has a category 1 or category 2 firearms collectors licence under this Act; or
 - (ii) intends to apply for such a licence; or

s. 123L

- (iii) possesses or intends to possess a firearm—

the nominated officers must so advise the Chief Commissioner.

- (2) If an approved firearms collectors club cancels or suspends the membership of a person, within 7 days of cancelling or suspending that membership, a nominated officer, on behalf of the club, must so notify the Chief Commissioner and must advise the Chief Commissioner of the reasons for cancelling or suspending that membership.

S. 123L
(Heading)
amended by
No. 50/2007
s. 34(1).

S. 123L
inserted by
No. 28/2003
s. 53,
amended by
No. 78/2005
s. 50(2) (ILA
s. 39B(1)).

123L Approved firearms collectors clubs—Requirements as to members and former members

- (1) An approved firearms collectors club—
- (a) must not admit a person as a member of the club if the person is a prohibited person; and
- (b) must not have a person as a collector member of the club unless a nominated officer of the club reasonably believes that that person has submitted to the club—
- (i) any records about that person kept by or on behalf of the Chief Commissioner or any person holding a position equivalent to that of the Chief Commissioner in the Commonwealth or in any other State or Territory of the Commonwealth; and

S. 123L(b)
amended by
No. 78/2005
s. 50(1)(a).

-
- (ii) two character references from people who are of or over the age of 18 years, who are of good repute and who have known the person for a minimum of 2 years; and
- (iii) the names of any other approved firearms collectors clubs of which that person is a member; and
- (iv) the names of any other approved firearms collectors clubs which, at any time in the 5 years immediately preceding the person becoming a collector member of the club, the person—
- (A) has had a membership of; or
 - (B) has had a membership of cancelled or suspended; or
 - (C) has been refused membership of.
- (1A) An approved firearms collectors club must notify the Chief Commissioner of the name of any person who has surrendered his or her membership or who has had his or her membership suspended or cancelled, within 7 days of that surrender, suspension or cancellation.
- (2) In this section, *collector member of the club* means a member of the club who collects firearms.

S. 123L(b)(iv)
amended by
No. 78/2005
s. 50(1)(b).

S. 123L(1A)
inserted by
No. 50/2007
s. 34(2).

S. 123L(2)
inserted by
No. 78/2005
s. 50(2).

s. 123M

Division 3—General provisions applying to approvals under this Part

S. 123M
inserted by
No. 28/2003
s. 53.

123M Application for an approval under this Part

- (1) An application for an approval under this Part must be in a form and manner approved by the Chief Commissioner.
- (2) An applicant must pay the fee prescribed for the application.

S. 123N
inserted by
No. 28/2003
s. 53.

123N Requirement to nominate officers

S. 123N(1)
amended by
No. 78/2005
s. 51.

- (1) In an application for an approval under Division 1 or 2 of this Part, the applicant must nominate one or more persons, who are officers of the applicant, to be nominated officers for the purposes of this Act.
- (2) If, at any time during the course of an approval under this Part, there ceases to be an officer of the club who is a nominated officer, the club must nominate an officer to be a nominated officer and must immediately notify the Chief Commissioner of that nomination.
- (3) At any time during the course of an approval under this Part, the club may nominate another person to replace a nominated officer and must immediately notify the Chief Commissioner of that nomination.
- (4) A person who is a prohibited person is not entitled to be a nominated officer under this section. If, at any time during the course of an approval under this Part, a nominated officer becomes a prohibited person, that person ceases to be a nominated officer.
- (5) A notice under this section must be in writing.

123O Review of decision to refuse an approval under this Part

S. 123O
inserted by
No. 28/2003
s. 53.

An applicant for an approval under this Part may, if the nominated officers of the applicant are non-prohibited persons, apply to the Committee for a review of a decision of the Chief Commissioner not to grant the approval or for a review of a failure of the Chief Commissioner to make a decision on the application within a reasonable time.

123P Conditions for an approval under this Part

S. 123P
inserted by
No. 28/2003
s. 53.

- (1) An approval under this Part is subject to any conditions imposed on the approval by the Chief Commissioner.
- (2) The Chief Commissioner may, at any time, vary any condition imposed on an approval.
- (3) The variation of a condition under this section has effect on the giving of notice in writing of that variation to the holder of the approval.

123Q Review of decision to vary the conditions of an approval under this Part

S. 123Q
inserted by
No. 28/2003
s. 53.

The holder of an approval under this Part may, if the officers of the holder are non-prohibited persons, apply to the Committee for a review of any decision of the Chief Commissioner to vary any conditions on the approval.

123R Duration of an approval under this Part

S. 123R
inserted by
No. 28/2003
s. 53.

An approval under this Part continues in force for the period, not exceeding 5 years from the issue or renewal of the approval, that is specified in the approval.

s. 123S

S. 123S
inserted by
No. 28/2003
s. 53.

123S Renewal of an approval under this Part

- (1) Before the expiration of an approval under this Part, the holder may apply to the Chief Commissioner for renewal of the approval.
- (2) A person or body who is making an application for the renewal of an approval under this Part must make that application to the Chief Commissioner.
- (3) An application must be in the form and manner approved by the Chief Commissioner.
- (4) The applicant must pay the fee prescribed for the application.

S. 123T
inserted by
No. 28/2003
s. 53.

123T Power of the Chief Commissioner to renew an approval under this Part

- (1) The Chief Commissioner may renew or refuse to renew an approval under this Part and, if the approval is to be renewed, the Chief Commissioner may alter or vary the conditions on the approval or impose further conditions on the approval.
- (2) The Chief Commissioner must not renew an approval under this Part if any person who is a director or officer of the club is a prohibited person.

S. 123U
inserted by
No. 28/2003
s. 53.

123U Review of a decision not to renew an approval under this Part

An applicant for the renewal of an approval under this Part may, if the officers of the applicant are non-prohibited persons, apply to the Committee for a review of a decision of the Chief Commissioner not to renew the approval or for a review of a failure of the Chief Commissioner to make a decision on the application within a reasonable time.

123V Power of Chief Commissioner to cancel an approval under this Part

S. 123V
inserted by
No. 28/2003
s. 53.

- (1) The Chief Commissioner may cancel an approval under this Part, if after considering any submissions made within the time fixed for making submissions, the Chief Commissioner is satisfied that—
 - (a) the club has failed to comply with any provision of this Act; or
 - (b) the club has failed to comply with any condition imposed on the approval of the club by the Chief Commissioner.
- (2) If the Chief Commissioner proposes under subsection (1) to cancel an approval, before doing so the Chief Commissioner must so notify the club in writing.
- (3) A club that has received a notice under subsection (2) may, within 28 days of receiving that notice, make written submissions to the Chief Commissioner on the proposal to cancel the approval.

123W Review of decision to cancel an approval under this Part

S. 123W
inserted by
No. 28/2003
s. 53.

The holder of an approval under this Part whose approval has been cancelled under section 123V may, if the officers of the holder are non-prohibited persons, apply to the Committee for a review of that decision.

**PART 7—FURTHER OFFENCES AND LEGAL
PROCEEDINGS**

S. 124AA
inserted by
No. 28/2003
s. 54.

**124AA Conspiring to commit and aiding the commission of
an offence outside Victoria**

- (1) A person who, in Victoria—
- (a) conspires with another person or persons to commit an offence (in this section called the principal offence) in a place outside Victoria, being an offence punishable under the provisions of a law in force in that place that corresponds to a provision of this Act; or
 - (b) aids, abets, counsels, procures, solicits or incites the commission of an offence (in this section called the principal offence) in any place outside Victoria, being an offence punishable under the provisions of a law in force in that place that corresponds to a provision of this Act—

is guilty of an offence.

- (2) A person who is guilty of an offence under subsection (1)—
- (a) is liable to the same penalty as that which the person would be subject to; and
 - (b) may be dealt with in the same manner as that in which the person would be dealt with—
- if the principal offence had been committed in Victoria.

124 Possession of cartridge ammunition

S. 124(1)
amended by
No. 22/1998
s. 43(Sch.
item 8(a)).

- (1) A person must not possess cartridge ammunition unless that person—

S. 124(1)(a)
amended by
No. 28/2003
s. 55.

- (a) is the holder of a licence under this Act or a permit under section 58A; or

- (b) is the holder of a licence to keep explosives for sale and to sell explosives issued under the **Dangerous Goods Act 1985**; or
- (c) is not required to have a licence under this Act in order to possess a firearm.

Penalty: 40 penalty units.

- (2) The holder of a licence under this Act (other than a firearms ammunition collectors licence), must not possess cartridge ammunition which is not suitable for use in the category of firearms that that person is authorised to possess, carry or use under the licence.

S. 124(2)
amended by
No. 22/1998
s. 43(Sch.
item 8(b)).

Penalty: 10 penalty units.

- (3) A person who is not required to have a licence under this Act in order to possess, carry or use a firearm must not possess cartridge ammunition which is not suitable for use in the category of firearms that that person may possess, carry or use without having to obtain a licence.

S. 124(3)
amended by
No. 22/1998
s. 43(Sch.
item 8(c)).

Penalty: 10 penalty units.

125 Disposal of cartridge ammunition to unauthorised persons

S. 125
amended by
No. 22/1998
s. 43(Sch.
item 9).

A person must not dispose of cartridge ammunition to another person unless the person to whom the cartridge ammunition is disposed of—

- (a) produces a licence under this Act to possess, carry or use a firearm, and the cartridge ammunition is suitable for use in a firearm that that person is authorised to possess, carry or use under that licence; or
- (b) produces a licence to keep explosives for sale and to sell explosives under the **Dangerous Goods Act 1985** and the cartridge ammunition is cartridge

S. 125(a)
amended by
No. 22/1998
s. 43(Sch.
item 9).

S. 125(b)
amended by
No. 22/1998
s. 43(Sch.
item 9).

s. 126

ammunition that that person is authorised to keep for sale and sell under that licence; or

S. 125(c)
amended by
No. 22/1998
s. 43(Sch.
item 9).

- (c) produces evidence that he or she is not required to have a licence under this Act in order to possess, carry or use a firearm of the type the cartridge ammunition is suitable for.

Penalty: 60 penalty units or 12 months imprisonment.

126 Safekeeping of firearms and cartridge ammunition while being carried or used

- (1) A person who is carrying or using a category A or B longarm must—
- (a) ensure that the firearm is carried and used in a manner that is secure and is not dangerous; and
- (b) must take reasonable precautions to ensure that the firearm is not lost or stolen.

Penalty: 60 penalty units or 12 months imprisonment.

S. 126(2)
amended by
No. 28/2003
s. 56(1).

- (2) A person who is carrying or using a category C or D longarm or a general category handgun must—
- (a) ensure that the firearm is carried and used in a manner that is secure and is not dangerous; and
- (b) must take reasonable precautions to ensure that the firearm is not lost or stolen.

Penalty: 120 penalty units or 2 years imprisonment.

(3) A person who is carrying or using a category E longarm or a category E handgun must—

S. 126(3)
amended by
No. 28/2003
s. 56(2).

(a) ensure that the firearm is carried and used in a manner that is secure and is not dangerous; and

(b) must take reasonable precautions to ensure that the firearm is not lost or stolen.

Penalty: 240 penalty units or 4 years imprisonment.

(4) A person who is carrying or using cartridge ammunition must—

S. 126(4)
amended by
No. 22/1998
s. 43(Sch.
item 10).

(a) ensure that the cartridge ammunition is carried and used in a manner that is secure and is not dangerous; and

S. 126(4)(a)
amended by
No. 22/1998
s. 43(Sch.
item 10).

(b) must take reasonable precautions to ensure that the cartridge ammunition is not lost or stolen.

S. 126(4)(b)
amended by
No. 22/1998
s. 43(Sch.
item 10).

Penalty: 60 penalty units or 12 months imprisonment.

127 Use of firearm by person other than the possessor

(1) A person who possesses a category A or B longarm must not permit that firearm to be carried or used by any person who is not—

(a) so authorised by a licence under Part 2; or

(b) exempted by this Act from the requirement to be so authorised.

Penalty: 60 penalty units or 12 months imprisonment.

s. 127

S. 127(1A)
inserted by
No. 78/2005
s. 52.

(1A) A person who possesses a paintball marker must not permit that firearm to be carried or used by any person who is not—

- (a) so authorised by a licence under Part 2; or
- (b) exempted by this Act from the requirement to be so authorised.

Penalty: 60 penalty units or 12 months imprisonment.

S. 127(2)
amended by
No. 28/2003
s. 57(1).

(2) A person who possesses a category C or D longarm must not permit that firearm to be carried or used by any person who is not—

- (a) so authorised by a licence under Part 2; or
- (b) exempted by this Act from the requirement to be so authorised.

Penalty: 120 penalty units or 2 years imprisonment.

S. 127(2A)
inserted by
No. 28/2003
s. 57(2).

(2A) The possessor of a handgun must not permit a person to have access to or to carry or use that handgun if that person is not—

- (a) so authorised by a licence under Part 2 or a permit under Division 10 of that Part; or
- (b) exempted by this Act from the requirement to be so authorised.

Penalty: 1200 penalty units or 10 years imprisonment.

(3) A person who possesses a category E longarm must not permit that firearm to be carried or used by any person who is not—

- (a) so authorised by a licence under Part 2; or

(b) exempted by this Act from the requirement to be so authorised.

Penalty: 240 penalty units or 4 years imprisonment.

127A Offence to use firearms held under a firearms collectors licence

S. 127A
inserted by
No. 28/2003
s. 58.

(1) A person must not use a firearm held under a firearms collectors licence unless that person is the holder of a permit issued under section 58.

Penalty: 240 penalty units or 4 years imprisonment.

(2) If a member of the police force reasonably believes that a firearm held under a collectors licence has been discharged, while that firearm was being held under the collectors licence, that member of the police force may, in accordance with a warrant issued under the **Magistrates' Court Act 1989**, take possession of that firearm and may cause tests to be carried out on the firearm to determine whether or not it has been fired.

128 Offence to damage property with a firearm

A person must not injure or damage property with a firearm.

Penalty: 120 penalty units or 2 years imprisonment.

129 Offence to use a firearm in a dangerous manner

A person must not use a firearm in a dangerous manner.

Penalty: 120 penalty units or 2 years imprisonment.

s. 129A

S. 129A
inserted by
No. 22/1998
s. 31.

129A Offence for unlicensed person to store in an insecure manner

A person who possesses a firearm and who does not have a licence under this Act authorising the possession of that firearm must not store that firearm or any cartridge ammunition in his or her possession in an insecure manner.

Penalty: 240 penalty units or 4 years imprisonment.

130 Offence to carry or use a firearm in certain places

(1) A person must not carry a loaded firearm or use a firearm in a town or populous place or on any thoroughfare or place open to or used by the public for passage with vehicles.

Penalty: 60 penalty units or 12 months imprisonment.

(2) Subsection (1) does not apply to—

S. 130(2)(a)
amended by
No. 26/1997
s. 26(a).

(a) any member of the police force or a protective services officer when acting in the course of his or her official duties when so authorised by the Chief Commissioner; or

S. 130(2)(ab)
inserted by
No. 55/2009
s. 19.

(ab) any member of staff of the Office of Police Integrity when acting in the course of his or her official duties and when so authorised by the Director, Police Integrity under Division 9 of Part 4 of the **Police Integrity Act 2008**; or

(b) any member of a police force of the Commonwealth or of another State or a Territory when carrying or using a firearm issued to him or her for the performance of a detailed duty; or

(c) any person who holds a licence under this Act, issued for the reason of security guard or prison guard when carrying or using a

- firearm which the guard is authorised to carry or use under the licence and when acting in the course of his or her duties as a security guard or prison guard; or
- (d) any person who holds a licence under this Act, when carrying or using a firearm which the person is authorised to carry or use under the licence and who is acting in the course of his or her duties under any relevant law within the meaning of the **Conservation, Forests and Lands Act 1987** or under the **Livestock Disease Control Act 1994** or the **Prevention of Cruelty to Animals Act 1986**.
- (3) Subsection (1) does not apply to a person who carries or uses a firearm with the written permission of the Chief Commissioner.
- (4) The Chief Commissioner must not give permission under subsection (3) unless the Chief Commissioner is satisfied that—
- (a) the carriage or use of the firearm is consistent with the reason for which the licence was issued; or
- (b) there is a significant public benefit to be obtained from the carriage or use of the firearm; or
- (c) the carriage or use of the firearm is for the purposes of public safety.
- (5) The Chief Commissioner may impose conditions on a permit under subsection (3).
- (6) A permit under subsection (3) continues in force for the period specified in the permit.

S. 130(2)(d)
amended by
No. 26/1997
s. 26(b).

S. 130(3)
inserted by
No. 22/1998
s. 32.

S. 130(4)
inserted by
No. 22/1998
s. 32.

S. 130(5)
inserted by
No. 22/1998
s. 32.

S. 130(6)
inserted by
No. 22/1998
s. 32.

131 Offence to possess, carry or use a firearm on private property without consent

- (1) A person must not—
- (a) possess, carry or use a firearm on private property; or
 - (b) discharge a shot, bullet or other missile from a firearm onto or across private property—
- without the consent of the owner or occupier of the property.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) In any proceedings for an offence under subsection (1)(a), it is a defence for a person to satisfy the court that he or she was approaching the residence of the owner or occupier of the property along a defined path for the purposes of applying for such consent.

- (3) Subsection (1) does not apply to—

(a) any member of the police force or a protective services officer when acting in the course of his or her official duties and when so authorised by the Chief Commissioner; or

(ab) any member of staff of the Office of Police Integrity when acting in the course of his or her official duties and when so authorised by the Director, Police Integrity under Division 9 of Part 4 of the **Police Integrity Act 2008**; or

(b) any member of a police force of the Commonwealth or of another State or a Territory when carrying or using a firearm issued to him or her for the performance of a detailed duty; or

S. 131(3)
inserted by
No. 26/1997
s. 27.

S. 131(3)(ab)
inserted by
No. 55/2009
s. 20.

- (c) any person who holds a licence under this Act, issued for the reason of prison guard when carrying or using a firearm which the guard is authorised to carry or use under the licence, when acting in the course of his or her duties as a prison guard and when in the immediate pursuit of a person under his or her custody; or
- (d) any person who holds a licence under this Act, when carrying or using a firearm which the person is authorised to carry or use under the licence and who is acting in the course of his or her duties under any relevant law within the meaning of the **Conservation, Forests and Lands Act 1987** or under the **Livestock Disease Control Act 1994** or the **Prevention of Cruelty to Animals Act 1986**.
- (4) Despite subsection (1), a person—
- (a) who is possessing or carrying a firearm under a licence under this Act; and
- (b) who is crossing Crown land over which there is a licence, for the purpose of hunting in accordance with the **Wildlife Act 1975** on land that can only be accessed by passage over the Crown land—

S. 131(4)
inserted by
No. 50/2007
s. 35.

is not required to obtain the consent of the holder of the licence over the Crown land.

132 Offences about the carriage and the use of firearms

- (1) A person must not carry or use a firearm if that person is under the influence of intoxicating liquor or a drug.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A person must not, for the purpose of committing an indictable offence, carry a firearm which is concealed from view.

Penalty: 240 penalty units or 4 years imprisonment.

133 Disposal of a firearm to person who is intoxicated

A person must not dispose of a firearm to a person whom the person disposing of the firearm reasonably believes to be under the influence of intoxicating liquor or a drug.

Penalty: 120 penalty units or 2 years imprisonment.

S. 134
(Heading)
inserted by
No. 50/2007
s. 36(1).

134 Certain offences as to firearms, firearm parts, silencers and prescribed items

- (1) A person must not shorten the barrel of a longarm so as to reduce the length of the firearm to less than 75 centimetres measured parallel with the barrel or the length of the barrel to less than 50 centimetres.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) A person must not alter a firearm which has been rendered permanently inoperable so that the firearm can discharge any shot, bullet or missile.

Penalty: 240 penalty units or 4 years imprisonment.

S. 134(3)
amended by
No. 28/2003
s. 59.

- (3) A person must not deface or alter any number or letter or other identifying symbol or mark on a firearm.

Penalty: 600 penalty units or 7 years imprisonment.

- (4) A person must not destroy, or render inoperable, a firearm, firearm part, silencer or prescribed item unless that person does so in a manner approved by the Chief Commissioner.

S. 134(4)
inserted by
No. 50/2007
s. 36(2).

Penalty: 240 penalty units or 4 years imprisonment.

134A Requirement to obtain consent of Chief Commissioner to certain alterations of firearms

S. 134A
inserted by
No. 28/2003
s. 60,
amended by
No. 50/2007
s. 37 (ILA
s. 39B(1)).

- (1) A person must not alter a firearm so that it becomes a different category of firearm unless, before doing so, the person obtains the consent of the Chief Commissioner to do so.

Penalty: 60 penalty units.

- (2) A person must not increase the magazine capacity of a firearm if the increase in the magazine capacity would cause the firearm to become a different category of firearm unless, before doing so, the person obtains the consent of the Chief Commissioner.

S. 134A(2)
inserted by
No. 50/2007
s. 37.

Penalty: 60 penalty units.

134AB Offence to possess or carry certain parts without the consent of the Chief Commissioner

S. 134AB
inserted by
No. 50/2007
s. 38.

A person must not possess or carry a part of a firearm that is capable of being used to alter the category of a firearm in the person's possession, carriage or use so that the firearm becomes a different category of firearm to that which the person is authorised to possess, carry or use under his or her licence—

- (a) without lawful excuse; or
(b) unless before doing so, the person obtains the consent of the Chief Commissioner.

Penalty: 30 penalty units.

s. 134B

S. 134B
inserted by
No. 28/2003
s. 60.

134B Requirement to notify Chief Commissioner of certain alterations to firearms

A person who alters the calibre of a firearm in a manner not provided for in the original manufacture of the firearm must notify the Chief Commissioner of the alteration within 7 days of doing so.

Penalty: 30 penalty units.

S. 134C
inserted by
No. 28/2003
s. 60,
substituted by
No. 52/2010
s. 23.

134C Offence to possess a firearm with no serial number

- (1) A person must not, without reasonable excuse, possess a firearm on which there is no serial number.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) In any proceeding against a person for an offence under this section, it is not necessary for the prosecution to prove that the person knew, was aware, believed or suspected that there was no serial number on the firearm.
- (3) In any proceeding for an offence under this section, it is a defence if the person charged had reasonable grounds for believing that there was a serial number on the firearm.
- (4) To avoid doubt, a firearm in which the serial number has been erased or removed is a firearm on which there is no serial number.

135 Offence to own a firearm without a licence to possess

- (1) A person must not own a category A or B longarm unless that person is authorised by a licence under this Act to possess the firearm.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) A person must not own a category C or D longarm or a general category handgun unless that person is authorised by a licence under this Act to possess the firearm.
- Penalty: 120 penalty units or 2 years imprisonment.
- (3) A person must not own a category E longarm or a category E handgun unless that person is authorised by a licence under this Act to possess the firearm.
- Penalty: 240 penalty units or 4 years imprisonment.
- (4) A person must not own a paintball marker unless that person is authorised by a licence under this Act to possess the paintball marker.
- Penalty: 60 penalty units or 12 months imprisonment.

S. 135(2)
amended by
No. 28/2003
s. 61(1).

S. 135(3)
amended by
No. 28/2003
s. 61(2).

S. 135(4)
inserted by
No. 78/2005
s. 53.

136 Disposal of firearms to minors

A person must not dispose of a firearm to a person who is under 18 years of age.

Penalty: 240 penalty units or 4 years imprisonment.

137 Alteration of documents

- (1) A person must not alter the particulars on a licence, permit, certificate or other document issued under this Act.
- Penalty: 240 penalty units or 4 years imprisonment.
- (2) Subsection (1) does not apply to the Chief Commissioner or any person acting on behalf of the Chief Commissioner.

S. 137
amended by
No. 22/1998
s. 33 (ILA
s. 39B(1)).

S. 137(2)
inserted by
No. 22/1998
s. 33.

138 False entries

A person must not make or cause to be made a false or misleading entry in a register or other record required to be kept under this Act.

Penalty: 240 penalty units or 4 years imprisonment.

S. 139
amended by
No. 26/1997
s. 28,
substituted by
No. 50/2007
s. 39.

139 Notification of change of certain details

The holder of a licence or permit under this Act must notify the Chief Commissioner in writing of any change to the following details—

- (a) the address which appears on the licence or permit; and
- (b) the holder's permanent place of residence; and
- (c) the holder's postal address; and
- (ca) the holder's ordinary place of residence; and
- (d) the address where any firearm held under the licence is ordinarily stored; and
- (e) if the holder is a licensed firearms dealer, the address where he or she carries on the business to which the licence relates—

within 14 days after the change occurs.

Penalty: 30 penalty units.

S. 139(ca)
inserted by
No. 52/2010
s. 24.

140 Requirement to notify Chief Commissioner of loss etc.

The holder of a licence must notify the Chief Commissioner of any loss, theft or destruction of a firearm in the holder's possession within 24 hours after becoming aware of that loss, theft or destruction.

Penalty: 30 penalty units.

140A Making false or misleading statements or using false or misleading information

- (1) A person must not knowingly make a statement in an application under this Act which is false or misleading in any material particular.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) A person must not, when required to identify himself or herself for the purposes of this Act, make a false or misleading statement or use false or misleading information.

Penalty: 240 penalty units or 4 years imprisonment.

- (3) A person must not knowingly or recklessly make a statement in support of the application of another person under this Act which is false or misleading in any material particular.

Penalty: 240 penalty units or 4 years imprisonment.

141 Statements of the Chief Commissioner as evidence

In any proceedings under this Act, a statement in writing purporting to be signed by the Chief Commissioner or a person employed in the office of the Chief Commissioner in the administration of this Act to the effect that—

- (a) a specified person was or was not the holder of a licence or permit under this Act; or
(b) a licence or permit under this Act is subject to the conditions specified in the certificate; or
(c) a premises is the premises specified in the licence; or

S. 140A
(Heading)
inserted by
No. 28/2003
s. 62(1).
S. 140A
inserted by
No. 22/1998
s. 34,
amended by
No. 28/2003
s. 62(2)(3) (ILA
s. 39B(1)).

S. 140A(2)
inserted by
No. 28/2003
s. 62(3).

S. 140A(3)
inserted by
No. 50/2007
s. 40.

S. 141
amended by
No. 22/1998
s. 35.

- (d) the information specified in the certificate is recorded on the Register; or
- (e) the firearm specified in the certificate is or is not registered; or
- (f) a firearm is of a particular type or category—
is evidence, and in the absence of evidence to the contrary, is proof of the facts stated in it.

142 Liability of officers of body corporate or nominated persons for offences committed by the body corporate

If a body corporate is guilty of an offence against this Act or any regulation made under this Act, any officer of the body corporate or nominated person who was in any way, by act or omission, directly or indirectly, knowingly concerned in or a party to the commission of the offence is also guilty of that offence and liable to the penalty for that offence.

143 How to determine state of mind of a body corporate

If, in any proceeding for an offence against this Act, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show that—

- (a) the conduct was engaged in by an officer, employee or agent of the body corporate within the scope of his or her actual or apparent authority; and
- (b) the officer, employee or agent had that state of mind.

144 Liability of body corporate or licence holder for acts of directors, employees or agents

If an officer, employee or agent of a body corporate or an employee or agent of a licence holder engages in conduct on behalf of the body corporate or licence holder within the scope of his or her actual or apparent authority, the body corporate or licence holder must be taken, for the purposes of prosecution for an offence against this Act, also to have engaged in the conduct unless the body corporate or licence holder establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

145 Evidence of possession

In any proceedings under this Act, evidence that a person occupies any land or premises on or in which any firearm is found is evidence, and, in the absence of evidence to the contrary, is proof that that person possessed the firearm.

PART 8—FURTHER ENFORCEMENT POWERS

146 Warrants to search premises

S. 146(1)
amended by
No. 25/2009
s. 9(1).

- (1) A member of the police force may apply to a magistrate for the issue of a search warrant in relation to particular premises (including any vehicle on or in those premises) or a particular vehicle located in a public place, if the member believes on reasonable grounds that an offence against this Act is being or is about to be committed.
- (2) If the magistrate is satisfied by the evidence on oath, whether oral or by affidavit, that there are reasonable grounds for suspecting that an offence against this Act is being or is about to be committed, the magistrate may issue a search warrant authorising the member named in the warrant and any assistants the member considers necessary—

S. 146(2)(a)
amended by
No. 25/2009
s. 9(2).

- (a) to enter the premises named or described in the warrant or the vehicle named or described in the warrant that is located in a public place; and
 - (b) to search for and seize any evidence of the offence named or described in the warrant.
- (3) In addition to any other requirement, a search warrant issued under this section must state—

S. 146(3)(b)
amended by
No. 25/2009
s. 9(3).

- (a) the offence suspected; and
 - (b) the premises or vehicle located in a public place to be searched; and
 - (c) a description of the evidence to be searched for; and
 - (d) any conditions to which the warrant is subject; and

- (e) whether entry is authorised to be at any time or during stated hours; and
 - (f) a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect.
- (4) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and in the prescribed form under that Act.
- (5) The rules to be observed with respect to search warrants set out by or under the **Magistrates' Court Act 1989** extend and apply to warrants under this section.
- (6) Nothing in this section or section 147 or 148 limits the power of a member of the police force under section 149.

S. 146(6)
inserted by
No. 25/2009
s. 9(4).

147 Announcement before entry

- (1) Before executing a search warrant, the member named in the warrant or person assisting must—
- (a) announce that he or she is authorised by warrant to enter the premises or the vehicle located in a public place, as the case requires; and
 - (b) give any person at the premises or on or in the vehicle an opportunity to allow entry to the premises or the vehicle.
- (2) The member or a person assisting the member need not comply with subsection (1) if he or she believes, on reasonable grounds, that immediate entry to the premises or the vehicle is required to ensure—
- (a) the safety of any person; or
 - (b) that the effective execution of the search warrant is not frustrated.

S. 147(1)
substituted by
No. 25/2009
s. 10(1).

S. 147(2)
amended by
No. 25/2009
s. 10(2).

s. 148

S. 148
(Heading)
inserted by
No. 25/2009
s. 11(1).
S. 148
amended by
No. 25/2009
s. 11(2) (ILA
s. 39B(1)).

148 Copy of warrant to be given to occupier or person in charge of vehicle

- (1) If the occupier or another person who apparently represents the occupier is present at the premises when a search warrant is being executed, the member must—
 - (a) identify himself or herself to the person as a member of the police force; and
 - (b) give that person a copy of the execution copy of the warrant.
- (2) If there is a person in charge of the vehicle located in a public place when a search warrant is being executed, the member must—
 - (a) identify himself or herself to the person as a member of the police force; and
 - (b) give the person a copy of the execution copy of the warrant.

S. 148(2)
inserted by
No. 25/2009
s. 11(2).

149 Search of persons or vehicles

- (1) If—
 - (a) a member of the police force has reasonable grounds for suspecting that a person is committing or is about to commit an offence against this Act and that person has a firearm, cartridge ammunition, silencer or prescribed item in his or her possession; and
 - (b) the member informs the person of the grounds for his or her suspicion; and

S. 149
amended by
No. 22/1998
s. 43(Sch.
item 11),
substituted by
No. 9/2003
s. 9.

S. 149(1)(a)
amended by
No. 50/2007
s. 41.

- (c) the member complies with subsection (3)—
the member may without warrant—
- (d) search the person and any vehicle, package or thing in the possession of the person; and
- (e) seize any firearm, cartridge ammunition, silencer or prescribed item found during the course of the search.
- (2) For the purposes of subsection (1), the fact that a person is present in a location with a high incidence of violent crime may be taken into account in determining whether there are reasonable grounds for suspecting that the person has a firearm, cartridge ammunition, silencer or prescribed item in his or her possession.
- (3) Before a member of the police force commences a search of a person under subsection (1), the member must—
- (a) inform the person of the member's name, rank and place of duty; and
- (b) if requested by the person, provide the information referred to in paragraph (a) in writing; and
- (c) produce his or her identification for inspection by the person, unless the member is in uniform.
- (4) In conducting a search of a person under subsection (1), a member of the police force—
- (a) may request that the person produce any thing that the member has detected or seen during the search on the person or in a vehicle, package or thing in the possession or under the control of the person, which the member has reasonable grounds for suspecting is a firearm, cartridge ammunition, silencer or prescribed item; and

S. 149(1)(e)
amended by
No. 50/2007
s. 41.

S. 149(2)
amended by
No. 50/2007
s. 41.

S. 149(4)(a)
amended by
No. 50/2007
s. 41.

s. 149A

(b) if a request is made under paragraph (a), must warn the person that refusal or failure to produce any thing so requested may be an offence.

(5) A person must not, without reasonable excuse, refuse or fail to produce any thing in accordance with a request made under subsection (4).

Penalty: 30 penalty units.

S. 149A
inserted by
No. 9/2003
s. 9.

149A Duty to make records concerning searches

- (1) A member of the police force who conducts a search under section 149 must make a written record of the search containing the prescribed particulars.
- (2) The record must be made immediately after the completion of the search or, if that is not practicable, as soon as practicable after the completion of the search.
- (3) A person subjected to a search under section 149 is entitled, on request and without charge, to a copy of the record of the search, if the request is made not later than 1 year after the date of the search.
- (4) A request under subsection (3) is made to the officer in charge of the place of duty, referred to in section 149(3)(a), of the member who conducted the search.

150 Power to require production of licence

- (1) A member of the police force—
 - (a) who has reasonable grounds for suspecting that a person has committed or is about to commit an offence against this Act or that a person is in possession of a firearm; and

S. 150(1)(a)
amended by
No. 9/2003
s. 10.

(b) who produces his or her identification for inspection by the person—

may demand that the person produce his or her licence or permit under this Act.

(2) A person to whom a demand is directed under subsection (1) must comply with that demand.

Penalty: 30 penalty units.

151 Powers of court to order forfeiture of firearms, cartridge ammunition, silencers or prescribed items

S. 151
(Heading)
inserted by
No. 50/2007
s. 42(1).

(1) If a person has by the operation of a finding by a court or the making of an order by a court—

S. 151(1)
amended by
Nos 22/1998
s. 43(Sch.
item 12),
50/2007
s. 42(2).

(a) become a prohibited person; or

(b) been found guilty of—

(i) an offence against this Act; or

(ii) an offence under another Act involving the possession, carriage or use of a firearm—

the Supreme Court, or the court who makes the finding or order, may order the forfeiture to the Crown of any firearm, cartridge ammunition, silencer or prescribed item in the possession of or used or carried by the person.

(2) The court must notify the Chief Commissioner of the forfeiture of the firearm, cartridge ammunition, silencer or prescribed item.

S. 151(2)
amended by
No. 50/2007
s. 42(3).

152 Disposal of forfeited firearms

Any firearm which is forfeited to the Crown under this Act or any other Act must be—

(a) destroyed; or

s. 153

- (b) disposed of in accordance with one of the following subparagraphs—
- (i) if the person who is entitled to possess the firearm under this Act is not the person from whom the firearm was seized, by returning it to the person entitled to possess the firearm; or
 - (ii) by giving the firearm to any person or body approved by the Minister to possess the firearm for a purpose approved by the Minister.

S. 152(b)(ii)
substituted by
No. 49/2006
s. 22.

S. 153
(Heading)
inserted by
No. 50/2007
s. 43(1).

S. 153
amended by
Nos 22/1998
s. 43(Sch.
item 13),
50/2007
s. 43(2).

S. 153(b)
amended by
Nos 22/1998
s. 43(Sch.
item 13),
50/2007
s. 43(2).

153 Power of court to make an order with respect to the disposal of a firearm, cartridge ammunition, silencer or prescribed item

If a firearm, cartridge ammunition, silencer or prescribed item has been surrendered or seized under this Act or any other Act or has been handed in to a member of the police force and—

- (a) the owner cannot be found; or
- (b) it is otherwise necessary for the firearm, cartridge ammunition, silencer or prescribed item to be disposed of—

the Magistrates' Court may, on the application of a member of the police force, order that the firearm, cartridge ammunition, silencer or prescribed item be destroyed or otherwise disposed of in the manner approved by the Court.

153A Authorised officers under the Conservation, Forests and Lands Act 1987 to exercise powers under this Act

(1) If—

- (a) an authorised officer has reasonable grounds for suspecting that a person is committing or is about to commit an offence against this Act and that person has a firearm, cartridge ammunition, silencer or prescribed item in his or her possession and—
- (i) the offence is or is about to be committed on land administered by the Minister administering the **Conservation, Forests and Lands Act 1987**, or on a road adjacent to such land; or
 - (ii) the authorised officer is acting under his or her duties under the **Wildlife Act 1975** or the **Fisheries Act 1995**; and
- (b) the authorised officer informs the person of the grounds for his or her suspicion; and
- (c) the authorised officer complies with subsection (1A)—

S. 153A inserted by No. 26/1997 s. 29.

S. 153A(1) amended by No. 22/1998 s. 43(Sch. item 14(a)(b)), substituted by No. 9/2003 s. 11(1).

S. 153A(1)(a) amended by No. 50/2007 s. 44.

S. 153A(1)(c) amended by No. 107/2003 s. 8.

the authorised officer may—

- (d) search the person and any vehicle, package or thing in the possession of the person; and
- (e) seize any firearm, cartridge ammunition, silencer or prescribed item found during the course of the search.

S. 153A(1)(e) amended by No. 50/2007 s. 44.

Firearms Act 1996
No. 66 of 1996
Part 8—Further Enforcement Powers

s. 153A

S. 153A(1A)
inserted by
No. 9/2003
s. 11(1).

- (1A) Before an authorised officer commences a search of a person under subsection (1), the authorised officer must—
- (a) inform the person of the officer's name, title, the agency employing the officer and the officer's place of employment; and
 - (b) if requested by the person, provide the information referred to in paragraph (a) in writing; and
 - (c) produce his or her identification for inspection by the person.

S. 153A(1B)
inserted by
No. 9/2003
s. 11(1).

- (1B) In conducting a search of a person under subsection (1), an authorised officer—

S. 153A(1B)(a)
amended by
No. 50/2007
s. 44.

- (a) may request that the person produce any thing that the authorised officer has detected or seen during the search on the person or in a vehicle, package or thing in the possession of the person, which the authorised officer has reasonable grounds for suspecting is a firearm, cartridge ammunition, silencer or prescribed item; and
- (b) if a request is made under paragraph (a), must warn the person that refusal or failure to produce any thing so requested may be an offence.

S. 153A(1C)
inserted by
No. 9/2003
s. 11(1).

- (1C) A person must not, without reasonable excuse, refuse or fail to produce any thing in accordance with a request made under subsection (1B).

Penalty: 30 penalty units.

- (2) If—

S. 153A(2)(a)
amended by
No. 9/2003
s. 11(2).

- (a) an authorised officer has reasonable grounds for suspecting that a person is committing or is about to commit an offence against this

- Act or that a person is in possession of a firearm; and
- (b) the authorised officer produces his or her identification for inspection by the person—
and if—
- (c) that offence is or is about to be committed on land administered by the Minister administering the **Conservation, Forests and Lands Act 1987**, or on a road adjacent to such lands; or
- (d) that authorised officer is acting under his or her duties under the **Wildlife Act 1975** or the **Fisheries Act 1995**—

S. 153A(2)(d) amended by No. 22/1998 s. 43(Sch. item 14(c)).

the authorised officer may demand that the person produce his or her licence or permit under this Act.

- (3) A person to whom a demand is directed under subsection (2) must comply with that demand.

Penalty: 30 penalty units.

- (3A) A person must not, without reasonable excuse, hinder or obstruct an authorised officer who is exercising a power under this section.

S. 153A(3A) inserted by No. 9/2003 s. 11(3).

Penalty: 30 penalty units.

- (4) An authorised officer is exempt from the requirement to hold a licence under this Act when possessing or carrying a firearm or cartridge ammunition seized under this section.

S. 153A(4) amended by No. 22/1998 s. 43(Sch. item 14(a)).

- (5) An authorised officer may institute a prosecution against any person for a breach of this section.

- (5A) An authorised officer who institutes a prosecution referred to in subsection (5) may appear in the proceeding by any other authorised officer.

S. 153A(5A) inserted by No. 9/2003 s. 11(4).

s. 153B

- (6) In this section *authorised officer* means any person appointed as an authorised officer under section 83 of the **Conservation, Forests and Lands Act 1987**.

S. 153B
inserted by
No. 9/2003
s. 12.

153B Duty to make records concerning searches

- (1) An authorised officer within the meaning of section 153A who conducts a search under section 153A(1) must make a written record of the search containing the prescribed particulars.
- (2) The record must be made immediately after the completion of the search or, if that is not practicable, as soon as practicable after the completion of the search.
- (3) A person subjected to a search under section 153A(1) is entitled, on request and without charge, to a copy of the record of the search if the request is made not later than 1 year after the date of the search.
- (4) A request under subsection (3) is made to the officer in charge of the place of employment, referred to in section 153A(1A)(a), of the authorised officer who conducted the search.

S. 153C
inserted by
No. 9/2003
s. 12.

153C Annual reports

- (1) The Chief Commissioner of Police must provide to the Minister for inclusion in the annual report of operations under Part 7 of the **Financial Management Act 1994** a report containing—
- (a) the number of searches without warrant under section 149 conducted during that financial year; and
- (b) the number and type of firearms, cartridge ammunition, silencers and prescribed items found during the course of those searches; and

S. 153C(1)(b)
amended by
No. 50/2007
s. 45.

-
- (c) any other information requested by the Minister.
- (2) The Secretary of the Department of Sustainability and Environment must provide to the Minister for inclusion in the annual report of operations under Part 7 of the **Financial Management Act 1994** a report containing—
- (a) the number of searches under section 153A(1) conducted during that financial year; and
 - (b) the number and type of firearms, cartridge ammunition, silencers and prescribed items found during the course of those searches; and
 - (c) any other information requested by the Minister.
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S. 153C(2)(b)
amended by
No. 50/2007
s. 45.

PART 9—FIREARMS APPEALS COMMITTEE

Division 1—Establishment of Committee

154 Establishment of Committee

- (1) There is established a committee to be called the Firearms Appeals Committee.
- (2) The Committee has the function of reviewing decisions of the Chief Commissioner in the circumstances in which a right to review is given to any person by or under this Act.

155 Membership of the Committee

- (1) The Committee is to consist of 13 persons appointed by the Governor in Council.
- (2) Of the persons appointed to the Committee—
 - (a) 3 must be Australian lawyers (within the meaning of the **Legal Profession Act 2004**) nominated by the Minister from a panel of persons submitted to the Minister as follows—
 - (i) if there are more than 2 professional associations (within the meaning of the **Legal Profession Act 2004**), 1 person may be nominated for the panel by each professional association; or
 - (ii) if there are only 2 professional associations, 3 persons may be nominated for the panel by each professional association; or
 - (iii) if there is only 1 professional association, 5 persons may be nominated for the panel by that professional association; and

S. 155(2)(a)
substituted by
No. 18/2005
s. 18(Sch. 1
item 43).

- (b) 5 must be nominated by the Minister; and
- (c) 5 must be nominated by the Minister from panels of persons submitted as follows—
 - (i) 3 must be appointed from a panel of persons submitted to the Minister, and constituted by a submission of 4 names by each of the bodies prescribed for the purposes of this section, being bodies which are, or which represent, shooting organisations; and
 - (ii) 1 must be appointed from a panel of 3 persons submitted to the Minister by the Firearms Traders Association of Victoria; and
 - (iii) 1 must be appointed from a panel of 3 persons submitted to the Minister by the Victorian Farmers Federation.

156 Terms of office

- (1) A member of the Committee holds office for the term determined by the Governor in Council which must not be more than 3 years from the date of his or her appointment.
- (2) A member of the Committee is eligible for reappointment.
- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member in respect of the office of member.

S. 156(3)
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 78.2),
80/2006
s. 26(Sch.
item 39).

157 Resignation and removal

- (1) A member of the Committee ceases to be a member if he or she is absent, without leave first being granted by the Committee, from 3 consecutive meetings of the Committee of which reasonable notice has been given to that member, either personally or by post.
- (2) A member of the Committee may resign the office of member by writing signed by the member and addressed to the Governor in Council.
- (3) The Governor in Council may, at any time, remove a member from office.
- (4) If a member dies, resigns or is removed from office, the Governor in Council may, in accordance with this Act, fill the vacant office.
- (5) A member appointed under subsection (4) holds office for the rest of the term of appointment of the member whose place he or she fills.

158 Chairperson

- (1) The Governor in Council may appoint a member of the Committee who holds office under section 155(2)(a) to be the chairperson of the Committee.
- (2) The chairperson holds that office for the term determined by the Governor in Council and is eligible for reappointment.
- (3) The chairperson may resign that office by writing signed by him or her and addressed to the Governor in Council.
- (4) The Governor in Council may, at any time remove the chairperson from office.
- (5) The chairperson ceases to hold office on ceasing to be a member of the Committee.

S. 158(5)
amended by
No. 30/1999
s. 32(b).

159 Acting member

- (1) If a member of the Committee is unable to perform the duties or functions of his or her office, the Governor in Council may appoint a person qualified to be appointed to that office to act in that office during the period of inability.
- (2) The Governor in Council—
 - (a) subject to this Act, may determine the terms and conditions of appointment of an acting member; and
 - (b) may, at any time, terminate the appointment.
- (3) While the appointment of the acting member remains in force, the acting member has and may exercise all the powers and perform all the duties and functions of the office in which that person is acting.

160 Payment of members

- (1) A member, other than a member who is an employee in the public service within the meaning of the **Public Administration Act 2004**, is entitled to receive the fees, if any, that are fixed from time to time by the Governor in Council for the members of the Committee.
- (2) A member is entitled to receive the allowances that are fixed from time to time by the Governor in Council.

S. 160(1)
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 78.3).

161 Procedure of the Committee

- (1) The chairperson must preside at a meeting of the Committee at which he or she is present.
- (2) In the absence of the chairperson, the members present may elect a member to preside at the meeting.

- (3) A question arising at a meeting of the Committee is to be determined by a majority of votes of the members present at the meeting.
- (4) The person presiding at the meeting has a deliberative vote and, if the members are equally divided in opinion, a second or casting vote.
- (5) A quorum of the Committee consists of 7 members.
- (6) Except as otherwise provided for in this Act, the Committee may regulate its own proceedings.

162 Effect of vacancy or defect

An act or decision of the Committee is not invalid only because—

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment of any of its members; or
- (c) in the case of an acting member, the occasion for that member so acting had not arisen or had ceased.

Division 2—Review of decisions of the Chief Commissioner

163 Power of committee to sit in divisions

- (1) For the purposes of reviewing a decision of the Chief Commissioner, the Committee may sit in divisions.
- (2) A division must consist of 3 members of the Committee of whom—
 - (a) 1 must be appointed from the persons appointed to the Committee under section 155(2)(a); and
 - (b) 1 must be appointed from the persons appointed to the Committee under section 155(2)(b); and

-
- (c) 1 must be appointed from the persons appointed to the Committee under section 155(2)(c).
 - (3) The member appointed to a Division under subsection (2)(a) must preside at a Division hearing.
 - (4) More than one Division of the Committee may sit concurrently.

164 Decision of a Division

A question before a Division of the Committee must be decided according to the opinion of the majority of the members constituting the Division.

165 Change in composition of a Division

- (1) If one of the members of the Division (other than the presiding member) vacates office or becomes incapable of sitting—
 - (a) before the Division has completed the hearing; or
 - (b) before the Division has made a determination in respect of a hearing—if the remaining members of the Division agree, the hearing may be continued, or a determination made, by those remaining members and, if they are divided in opinion as to the determination to be made in respect of the hearing, the opinion of the presiding member prevails.
- (2) If the presiding member or more than 1 member vacates office or becomes incapable of sitting before the Division has completed the hearing or made a determination in respect of the hearing, the hearing is terminated and a new hearing may be commenced before another Division of the Committee.

- (3) In a new hearing, the new Division may have regard to the record of the proceeding before the Committee as previously constituted, including the record of any evidence taken in the proceeding.

166 Procedure of Division

- (1) A Division—
- (a) is not bound by the rules of evidence; and
 - (b) may inform itself in any manner it thinks fit; and
 - (c) may conduct the proceeding in any manner it thinks fit.
- (2) Sections 14, 15, 16 and 21A of the **Evidence (Miscellaneous Provisions) Act 1958** apply to the Committee or a Division of the Committee in hearing an appeal under this Act as if the Committee or Division of the Committee (as the case requires) were a Board appointed by the Governor in Council.

S. 166(2)
amended by
No. 69/2009
s. 54(Sch. Pt 2
item 21).

167 How to commence a proceeding

- (1) An application for the review of a decision of the Chief Commissioner may be commenced before a Division of the Committee by giving notice in writing of the application to the Committee within 28 days of the notice of the decision of the Chief Commissioner being given to the applicant.
- (2) The applicant must give notice of the application to the Chief Commissioner at the same time as notice is given under subsection (1) and the notice must set out the nature and grounds of the application.

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- (3) A person who is applying for a review of a decision of the Chief Commissioner must pay the fee prescribed for applications for review.
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PART 10—INFRINGEMENT NOTICES

168 Power to serve a notice

- (1) A member of the police force may serve an infringement notice under this Part on any person that he or she has reason to believe has committed a prescribed offence.
- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.

S. 168(2)
substituted by
No. 32/2006
s. 94(Sch.
item 20(2)).

S. 169
repealed by
No. 32/2006
s. 94(Sch.
item 20(3)).

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170 Penalties to be paid for offences under infringement notices

The penalty to be paid in respect of an offence to which an infringement notice relates is one-tenth of the maximum penalty fixed for that offence by the Act or any lesser prescribed amount.

Ss 171–173
repealed by
No. 32/2006
s. 94(Sch.
item 20(3)).

* * * * *

Ss 174, 175
amended by
No. 30/1999
s. 32(c),
repealed by
No. 32/2006
s. 94(Sch.
item 20(3)).

* * * * *

PART 11—GENERAL

175 Service of notices

- (1) If by or under this Act the Chief Commissioner serves a notice by post, the notice must be served on the person to be served by sending it by post addressed to the person at the person's last place of residence or business known to the Chief Commissioner.
- (2) Subject to any evidence to the contrary and despite anything to the contrary in section 49 of the **Interpretation of Legislation Act 1984**, a notice served by post in accordance with subsection (1) is deemed to be served 21 days after the date of the notice.
- (3) For the purposes of subsection (2), evidence to the contrary includes but is not limited to evidence that the person to be served had notified the Chief Commissioner of any change to his or her place of residence or business before the date of the notice.

New s. 175
inserted by
No. 50/2007
s. 46.

176 Power of delegation

The Chief Commissioner may, in writing, delegate to any member of the police force or to any person employed in the office of the Chief Commissioner any of the Chief Commissioner's powers under this Act except section 153C(1) and the following—

- (a) this power of delegation;
- (b) the power of the Chief Commissioner to make a decision not to issue a general category handgun licence for the reason set out in section 17(c)(ia);

S. 176
amended by
Nos 28/2003
s. 63, 9/2003
s. 13.

S. 176(a)
inserted by
No. 28/2003
s. 63.

S. 176(b)
inserted by
No. 28/2003
s. 63.

s. 176A

S. 176(c)
inserted by
No. 28/2003
s. 63.

(c) the power of the Chief Commissioner to cancel a general category handgun licence for the reason set out in section 49(1)(fa).

S. 176A
inserted by
No. 28/2003
s. 64.

176A Annual Report of Chief Commissioner

The Chief Commissioner must, in each year, within 3 months after the expiry of the time allowed for approved handgun target shooting clubs to make a report under section 123C, submit to the Minister a report setting out details of the information requested by the Minister in relation to those reports.

177 Duplicate licences

If, on receiving an application for a duplicate licence, permit or authority, the Chief Commissioner is satisfied that the original licence, permit or authority has been lost or destroyed, the Chief Commissioner may issue a duplicate of that licence, permit or authority to the holder.

178 Application for duplicate licence

S. 178(1)
amended by
No. 78/2005
s. 55.

- (1) An application under section 177 must be in the manner and form approved by the Chief Commissioner.
- (2) The applicant must pay the fee prescribed for an application in the nature of the application made.

179 Power of Chief Commissioner to make approvals

S. 179(1)
amended by
Nos 26/1997
s. 30, 78/2005
s. 56.

- (1) The Chief Commissioner may approve firearms shooting ranges, firearms safety courses, paintball safety courses, firearms safety instructors, organisations of collectors, locations of paintball activities, events and bodies to whom information may be disclosed for the purposes of this Act.

- (2) A non-prohibited person who has made an application to the Chief Commissioner for an approval under subsection (1) may apply to the Committee for a review of a decision of the Chief Commissioner not to grant the approval or for a review of a failure of the Chief Commissioner to make the decision within a reasonable time.
- (3) The Chief Commissioner may—
- (a) impose conditions on any approval under subsection (1); and
 - (b) may, after notifying the holder of the approval, alter any such condition.

S. 179(2)
substituted by
No. 22/1998
s. 36.

S. 179(3)
inserted by
No. 22/1998
s. 36.

179A Approved handgun target shooting matches

S. 179A
inserted by
No. 78/2005
s. 57.

- (1) For the purposes of this Act, on application by an approved handgun target shooting club, the Chief Commissioner may approve handgun target shooting matches to be conducted by the club, if the Chief Commissioner is satisfied that the matches will be conducted by the approved club at an approved shooting range.
- (2) On making an approval under subsection (1), the Chief Commissioner must cause the approval to be published in the Government Gazette.

180 Deceased estates

- (1) The executor or administrator of an estate of a person who has died in possession of a firearm does not commit an offence against this Act if the executor or administrator, for a period of 6 months after the death of the person, retains possession of the firearm, carries the firearm and for the purpose of disposing of the firearm—
- (a) stores the firearm in accordance with Part 6;
or
 - (b) arranges for a licensed firearms dealer to store the firearm on his or her behalf; or

S. 180(1)
substituted by
No. 50/2007
s. 47(1).

(c) arranges for a holder of a licence under Part 2 whose licence permits the possession, carriage or use of that type of firearm to store the firearm on his or her behalf.

S. 180(2)
amended by
No. 50/2007
s. 47(2).

(2) The executor or administrator must notify the Chief Commissioner of the death of the person who possessed the firearm as soon as practicable after becoming aware of the person's death.

Penalty: 10 penalty units.

S. 181
amended by
No. 28/2003
s. 65 (ILA
s. 39B(1)).

181 Disclosure of information

S. 181(1)
amended by
No. 78/2005
s. 58(1).

- (1) Except to the extent necessary for the purposes of the administration of this Act, a person engaged or employed in the administration of this Act must not disclose information gained because of that person's engagement or employment or information contained in a record, return or report prepared by that person to any person except—
- (a) a court; or
 - (b) the Committee; or
 - (c) the Minister; or
 - (d) the Chief Commissioner or a member of the police force; or
 - (e) any person or body in another State or a Territory or the Commonwealth who performs tasks (whether or not as a delegate or agent or otherwise) which correspond with those performed by the Chief Commissioner under this Act; or

- (f) any body formed between the States and Territories or between the Commonwealth, the States and the Territories, if the disclosure of information is approved by the Chief Commissioner; or
- (g) the Ombudsman or the Ombudsman's officers.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) Despite subsection (1), in relation to an application for membership of an approved handgun target shooting club or an approved firearms collectors club, the Chief Commissioner may disclose, to a nominated officer of the club, any information as to the following—
 - (a) the firearms held by the applicant for membership of the club;
 - (b) any other approved handgun target shooting club or approved firearms collectors club (as the case requires) of which the applicant is a member;
 - (ba) any approved handgun target shooting club or approved firearms collectors club (as the case requires) of which the applicant has been a member at any time during the 12 months immediately before the application was made;
 - (c) any other approved handgun target shooting club or approved firearms collectors club (as the case requires) of which the Chief Commissioner is aware the applicant has been refused membership in the 5 years immediately preceding the application;
 - (d) any firearms licence held by the applicant that has been cancelled in the 5 years immediately preceding the application;

S. 181(2)
inserted by
No. 28/2003
s. 65.

S. 181(2)(ba)
inserted by
No. 50/2007
s. 48.

s. 181A

S. 181(2)(e)
amended by
No. 78/2005
s. 58(2)(a).

(e) any application for a licence or permit under this Act by the applicant that has not been granted by the Chief Commissioner in the 5 years immediately preceding the application;

S. 181(2)(f)
inserted by
No. 78/2005
s. 58(2)(b).

(f) any other information that is necessary to enable the club to perform its functions under this Act.

S. 181A
inserted by
No. 28/2003
s. 66.

181A Requirement for Chief Commissioner to disclose certain information to certain approved clubs

(1) If the Chief Commissioner cancels or suspends—

(a) a general category handgun licence that is held for the reason of target shooting, the Chief Commissioner must inform any approved handgun target shooting club of which the holder of that licence is a member of that cancellation or suspension; or

S. 181A(1)(b)
amended by
No. 78/2005
s. 59(a).

(b) a category 1 or category 2 firearms collectors licence, the Chief Commissioner must inform any approved firearms collectors club of which the holder of that licence is a member of that cancellation or suspension; or

S. 181A(1)(c)
inserted by
No. 78/2005
s. 59(b).

(c) a provisional general category handgun licence, the Chief Commissioner must inform any approved handgun target shooting club of which the holder is a member of that cancellation or suspension.

(2) The Chief Commissioner does not commit an offence under section 181 when acting under this section.

182 Appeals from decisions of Committee

- (1) An application may be made to the Victorian Civil and Administrative Tribunal for the review of a decision of the Committee made under Part 9 or of a failure by the Committee to make such a decision within a reasonable time. **S. 182(1) amended by No. 52/1998 s. 311(Sch. 1 item 30.1(a)).**
- (2) An application under subsection (1) may only be made by a person whose interests are affected by— **S. 182(2) amended by No. 52/1998 s. 311(Sch. 1 item 30.1(b)).**
- (a) the decision of the Committee; or
- (b) the failure of the Committee to act.
- (3) An application for review must be made within 28 days after the later of— **S. 182(3) inserted by No. 52/1998 s. 311(Sch. 1 item 30.2).**
- (a) the day on which the decision is made;
- (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the applicant requests a statement of reasons for the decision, the day on which the statement of reasons is given to the applicant or the applicant is informed under section 46(5) of that Act that a statement of reasons will not be given.

183 Immunity from liability

- (1) Despite section 141 of the **Health Services Act 1988**, section 120A of the **Mental Health Act 1986**, section 39 of the **Disability Act 2006** and any other similar enactment or provision if a health professional believes— **S. 183(1) amended by Nos 28/2003 s. 67(1), 23/2006 s. 238.**
- (a) that a person whom he or she has been providing professional services is not a fit and proper person to possess, carry or use a firearm; and

s. 183

(b) that that person has a licence under this Act or intends to apply for a licence under this Act or possesses or intends to possess a firearm—

the health professional may so advise the Chief Commissioner, and is not subject to any civil or criminal liability for doing so, if the advice is given in good faith.

S. 183(2)
amended by
No. 28/2003
s. 67(2).

(2) If an officer of an approved club or approved handgun target shooting club believes—

(a) that a person who is a member of the club is not a fit and proper person to possess, carry or use a firearm; and

(b) that that person has a licence under this Act or intends to apply for a licence under this Act or possesses or intends to possess a firearm—

the officer may so advise the Chief Commissioner, and is not subject to any civil or criminal liability for doing so, if the advice is given in good faith.

S. 183(3)
inserted by
No. 28/2003
s. 67(3).

(3) A nominated officer of an approved handgun target shooting club or an approved firearms collectors club, as the case requires, is not subject to any civil or criminal liability for giving advice to the Chief Commissioner, in good faith, under section 123E or 123K.

S. 183(4)
inserted by
No. 28/2003
s. 67(3).

(4) In this section *health professional* means any one of the following—

(a) a registered medical practitioner;

(b) a registered psychologist;

(c) a nurse or midwife;

S. 183(4)(c)
amended by
No. 13/2010
s. 51(Sch.
item 23.4).

- (d) a prescribed class of social worker;
- (e) a prescribed class of professional counsellor.

184 Exemptions for museums

- (1) The Governor in Council, on the recommendation of the Minister, may grant an exemption to a museum from the provisions of Part 2 and Division 2 of Part 4.
- (2) The Chief Commissioner may recommend to the Minister that a museum be granted an exemption if the Chief Commissioner is satisfied that—
 - (a) the museum is a body corporate which is not run for profit and is publicly funded; and
 - (b) the premises of the museum are open to the public; and
 - (c) the museum is of an educational, historical or cultural nature.
- (3) An exemption is subject to any conditions specified in the exemption.
- (4) The holder of an exemption must comply with the exemption.
Penalty: 30 penalty units.
- (5) An application for an exemption must be addressed to the Chief Commissioner and in the form and manner approved by the Chief Commissioner.
- (6) A person who applies for an exemption must pay the fee prescribed for exemptions in the nature of the exemption applied for.

185 Interstate licence holders—temporary visitors

(1) A person who—

- (a) is the holder of a licence issued in another State or a Territory which authorises the possession, carriage or use of a category A or B longarm or a handgun for the purposes of sport or target shooting; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of taking part in a shooting competition which is conducted by an approved club or organisation.

(1AA) For the purposes of subsection (1), taking part in a shooting competition includes taking part in the competition as an instructor, referee, supervisor, competition judge or range officer.

(1A) A person who—

- (a) is the holder of a licence issued in another State or a Territory which authorises the possession, carriage or use of a category C longarm for the purposes of clay target shooting; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of taking part in a shooting competition which is conducted by an approved clay target shooting club or organisation.

S. 185(1AA)
inserted by
No. 50/2007
s. 49(1).

S. 185(1A)
inserted by
No. 26/1997
s. 31.

(2) A person who—

- (a) is the holder of a licence in another State or a Territory which authorises the possession, carriage or use of a category A or B longarm for the purposes of hunting; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act to the extent that the holder is authorised—

- (c) to hunt on land where the holder has obtained the permission of the owner or occupier of the land to hunt on that land; and
- (d) to hunt on Crown land, if such hunting is in accordance with any Act, regulation or other instrument regulating hunting on that land.

(2A) A person who—

- (a) is the holder of a licence in another State or a Territory which authorises the possession, carriage or use of a category A or B longarm for the purposes of primary production; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of possessing, carrying or using the firearms possessed under the licence on land used for primary production if—

- (c) the person has first obtained the permission of the owner or occupier of the land to possess, carry or use the firearm on the land; and

S. 185(2A)
inserted by
No. 22/1998
s. 37.

(d) the person is acting in the manner authorised by the licence and in accordance with any conditions of the licence.

S. 185(2B)
inserted by
No. 22/1998
s. 37.

(2B) A person who—

- (a) is the holder of a licence in another State or a Territory which authorises the possession, carriage or use of a category C longarm for the purposes of primary production; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of the suppression of pest animals on land on which primary production is carried out if that activity is conducted in accordance with the regulations.

(3) A person who—

- (a) is the holder of a licence in another State or a Territory which authorises the carrying on of the business of dealing in firearms; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purpose of taking part in a display of firearms—

- (c) which is conducted by licensed firearms dealer; and
- (d) which is approved by the Chief Commissioner.

S. 185(4)
inserted by
No. 50/2007
s. 49(2).

(4) A person who—

- (a) is the holder of a licence or permit in another State or a Territory which authorises the possession, carriage or use of a paintball marker for the reason of participating in paintball gaming activities; and

(b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the reason of participating in paintball gaming activities in accordance with this Act.

(5) A person who—

(a) is the holder of a licence or permit in another State or Territory which authorises the person to possess, carry or use a general category handgun for the occupation of security guard; and

(b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of acting as a security guard on a temporary basis in accordance with this Act.

S. 185(5)
inserted by
No. 50/2007
s. 49(2).

186 Temporary visitor permit

- (1) A person who ordinarily resides outside Australia may apply to the Chief Commissioner for a permit to possess, carry or use a firearm in Victoria.
- (2) The Chief Commissioner may issue a permit to a person who has applied for a permit under subsection (1) and may impose any conditions on the permit the Chief Commissioner thinks fit.
- (3) The holder of a permit under this section does not commit an offence against section 6 or 7 while acting under and in accordance with the permit.
- (4) The holder of the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

s. 186A

S. 186A
inserted by
No. 30/1999
s. 31.

186A Interstate temporary visitor permits

A person who—

- (a) ordinarily resides outside Australia; and
- (b) holds a permit issued under the law of another State or a Territory of a kind specified in the regulations—

does not commit an offence against section 6 or 7 while acting under and in accordance with the permit.

187 Interstate licence holders—permanent residents

(1) A person who—

- (a) is the holder of a licence in another State or a Territory which corresponds with a category A or B longarms licence; and
- (b) has notified the Chief Commissioner that he or she intends to permanently reside in Victoria—

is, for a period of 3 months after that notification is given, deemed to be—

- (c) the holder of a category A or B longarms licence (as the case requires); and
- (d) authorised under that licence to possess, carry or use any firearm which that person was so authorised to possess, carry or use under the licence issued in the other State or Territory.

(2) A person who—

- (a) is the holder of a licence in another State or a Territory which corresponds with a category C or D longarms licence or a handgun licence for general category handguns; and

S. 187(2)
amended by
No. 22/1998
s. 38(b).

S. 187(2)(a)
amended by
No. 28/2003
s. 68(a).

(b) has notified the Chief Commissioner that he or she intends to permanently reside in Victoria—

is, for a period of 7 days after that notification is given—

(c) deemed to be the holder of a category C or D longarms licence or a handgun licence for general category handguns (as the case requires); and

**S. 187(2)(c)
amended by
No. 28/2003
s. 68(b).**

(d) authorised under that licence to possess, carry or use any firearm which that person was so authorised to possess, carry or use under the licence issued in the other State or Territory—

**S. 187(2)(d)
amended by
No. 22/1998
s. 38(a).**

and, in the case of a person who, within the period of 7 days, applies to the Chief Commissioner for a licence under Part 2 to possess, carry or use any such firearm, is authorised to possess any such firearm until the outcome of the application is determined.

(3) A person who—

**S. 187(3)
inserted by
No. 50/2007
s. 50.**

(a) is the holder of a licence or permit in another State or Territory which corresponds with a paintball marker licence; and

(b) has notified the Chief Commissioner that he or she intends to permanently reside in Victoria—

is, for a period of 3 months after that notification is given, deemed to be—

(c) the holder of a paintball marker licence; and

(d) authorised under that licence to possess, carry or use a paintball marker.

188 Power to approve schemes of compensation

- (1) The Minister, in consultation with the Treasurer, may approve a scheme of compensation for making payment to any person who surrenders to the Chief Commissioner a firearm which he or she lawfully owned immediately before it became unlawful to own that firearm.
- (2) A payment made under a scheme approved by the Minister under subsection (1) must be paid from the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

189 Application to be deemed not to be a prohibited person

S. 189(1)
substituted by
No. 52/2008
s. 248(1).

- (1) A person who is a prohibited person referred to in paragraph (c)(i) of the definition of *prohibited person* in section 3(1) may apply to the Court for a declaration that the person—
 - (a) is deemed not to be a prohibited person by virtue of being or having been subject to a final order of a kind referred to in that subparagraph; or
 - (b) is so deemed for limited purposes only.

S. 189(1AA)
inserted by
No. 68/2008
s. 75(1).

- (1AA) A person who is a prohibited person referred to in paragraph (c)(ib) of the definition of *prohibited person* in section 3(1) may apply to the Court for a declaration that the person—
 - (a) is deemed not to be a prohibited person by virtue of being or having been subject to an order of a kind referred to in that paragraph; or
 - (b) is so deemed for limited purposes only.

S. 189(1A)
inserted by
No. 22/1998
s. 39(1).

- (1A) A person to whom paragraph (d) of the definition of prohibited person applies may apply to the Court for a declaration that the person—

-
- (a) is deemed not to be a prohibited person; or
(b) is so deemed for limited purposes only.
- (2) The purposes for which the person is deemed not to be a prohibited person must be specified in the order.
- (2A) A person who is making an application under this section must give 28 days written notice of that application to—
- (a) the registrar of the Court; and
 - (b) the Chief Commissioner; and
 - (c) in the case of an application under subsection (1) or (1AA), the person protected by the final order.
- (2B) The—
- (a) Chief Commissioner; and
 - (b) in the case of an application under subsection (1) or (1AA), person protected by the final order—
- may appear before the Court to be heard on the application.
- (3) In this section, *Court* means—
- (a) in the case of a person who was made the subject of an order referred to in subsection (1) or (1AA)—

S. 189(2A) inserted by No. 26/1997 s. 32.

S. 189(2A)(c) amended by Nos 22/1998 s. 39(2), 52/2008 s. 248(2), 68/2008 s. 75(2).

S. 189(2B) inserted by No. 26/1997 s. 32.

S. 189(2B)(b) amended by Nos 22/1998 s. 39(3), 52/2008 s. 248(2), 68/2008 s. 75(3).

S. 189(3) substituted by No. 22/1998 s. 39(4).

S. 189(3)(a) amended by No. 68/2008 s. 75(4).

- (i) in Victoria, the court which made the order; or
 - (ii) in another State or a Territory, the Supreme Court; and
- (b) in the case of a person to whom subsection (1A) applies—
- (i) if a Victorian court found the person guilty, that court; or
 - (ii) if a court in another State or a Territory found the person guilty, the Supreme Court.

S. 189(4)
inserted by
No. 52/2008
s. 248(3).

- (4) In the case of an application under subsection (1), the Court cannot hear the application until any appeal under the **Family Violence Protection Act 2008** in relation to the final order has been determined.

S. 189(5)
inserted by
No. 68/2008
s. 75(5) (as
amended by
No. 20/2011
s. 8),
amended by
No. 53/2010
s. 221(Sch.
item 5.3).

- (5) In the case of an application under subsection (1AA), the Court cannot hear the application until any appeal under the **Personal Safety Intervention Orders Act 2010** in relation to the final order has been determined.

S. 189A
inserted by
No. 26/1997
s. 33,
amended by
Nos 28/2003
s. 69, 78/2005
s. 60, 50/2007
s. 51.

189A Indictable offences

Offences against sections 5(1), (1A) and (2), 6(3), (4), (5) and (6), 6A(1), (2), (3) and (4), 7(1), (2), (3), (4), (5) and (6), 7A(1) and (6), 7B(1) and (2), 7C, 36(3), 45(5), 53(1), 59(2), 83, 93(3), 94(3), 95(2), (2A), (3) and (4) 96(2), (2A), (3) and (4) 99(3), 100(3), 101A(1), 101B(2) and (3), 102(2A), (3) and (3A), 115(1), 116(1), 121(3), 121(3A), 122(2), 123(3), 126(3), 127(2A) and (3), 127A(1), 129A, 132(2), 134(1), (2) and (3), 134C, 135(3), 136, 137, 138, 140A(1), (2) and (3) are indictable offences.

190 Supreme Court—Limitation of jurisdiction

(1) It is the intention of section 183 to alter or vary section 85 of the **Constitution Act 1975**.

S. 190
amended by
No. 28/2003
s. 70 (ILA
s. 39B(1)).

(2) It is the intention of section 183, as amended by section 67 of the **Firearms (Trafficking and Handgun Control) Act 2003**, to alter or vary section 85 of the **Constitution Act 1975**.

S. 190(2)
inserted by
No. 28/2003
s. 70.

191 Regulations

(1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act, including but not limited to the following matters—

(a) the acquisition and possession of cartridge ammunition or classes of cartridge ammunition, including—

S. 191(1)(a)
amended by
No. 22/1998
s. 43(Sch.
item 15).

(i) specifying amounts of cartridge ammunition that may be acquired by persons or classes of persons; and

S. 191(1)(a)(i)
amended by
No. 22/1998
s. 43(Sch.
item 15).

(ii) specifying amounts of cartridge ammunition that may be possessed by persons or classes of persons;

S. 191(1)(a)(ii)
amended by
No. 22/1998
s. 43(Sch.
item 15).

(b) any devices which are not to fall within the definition of firearms;

(c) classes of firearms that fall within the definitions of category D or E longarms;

S. 191(1)(ca)
inserted by
No. 28/2003
s. 71.

- (ca) classes of firearms that fall within the definition of category E handguns;
- (d) classes of persons that fall within the definition of prohibited person;
- (e) reasons for which persons may need licences to possess, carry or use category B longarms or handguns;
- (f) reasons for which the Chief Commissioner must not issue licences under the Act;
- (g) fees for any application or for the issue or renewal of any licence or permit or the giving of any approval made under the Act;
- (h) fees which may be charged by firearms dealers when acting as agents;
- (i) fees for applications to the Committee to review decisions of the Chief Commissioner;
- (j) forms for the purposes of the Act;
- (k) particulars to be included in applications, forms, notices, registers or other documents under the Act;
- (l) grounds for the cancellation of licences under the Act;
- (m) particulars which must be kept on the firearms register or any other document or by any other person or class or persons;
- (n) grounds upon which licences, permits or other approvals may be varied;
- (o) grounds upon which renewals of licences, permits or other approvals may be refused;
- (p) items for which permits to possess, carry or use are required;

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- (q) grounds for refusing to issue permits;
- (qa) the manner in which searches are to be conducted;
- (qb) particulars to be included in records of searches;
- (r) the procedure of the Committee, whether sitting as a whole or in Divisions;
- (s) offences in respect of which infringement notices may be issued.
- (2) Regulations made under this Act—
- (a) may be of general or limited application;
- (b) may differ according to differences in time place or circumstances; and
- (c) may confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons or bodies; and
- (d) may impose a penalty not exceeding 5 penalty units for a contravention of the regulations; and
- (e) may make provision for—
- (i) a scale of fees according to the nature of the licence, permit or approval provided; or
- (ii) the reduction, waiver or refund in whole or in part of the fees.
- (3) If, under subsection (2)(e), regulations provide for a reduction, waiver or refund in whole or in part of a fee, the reduction, waiver or refund may be expressed to apply either generally or specifically—
- S. 191(1)(qa) inserted by No. 9/2003 s. 14.**
- S. 191(1)(qb) inserted by No. 9/2003 s. 14.**

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- (a) in respect of certain matters or transactions or classes of matters or transactions;
 - (b) in respect of certain documents or classes of documents;
 - (c) when an event happens;
 - (d) in respect of certain persons or classes of persons; or
 - (e) in respect of any combination of such matters, transactions, documents, events or persons—

and may be expressed to apply subject to specified conditions or in the discretion of any specified person or body.

PART 12—TRANSITIONAL PROVISIONS

192 Definitions

In this Part—

new Committee means the Firearms Appeals Committee established under this Act;

old Act means the **Firearms Act 1958** as in force immediately before the commencement of section 177 of this Act;

old Committee means the Firearms Consultative Committee established under the old Act.

193 Repeal of Firearms Act 1958

The **Firearms Act 1958** is repealed.

194 References

In—

- (a) an Act; or
- (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**;
- (c) any document whatever—

in relation to any period occurring on or after the commencement of this section and, unless inconsistent with the context or subject matter, a reference to the **Firearms Act 1958** must be taken to be a reference to the **Firearms Act 1996**.

195 Licences authorities permits and schemes

(1) On and from the coming into operation of this section—

(a) an authority which—

- (i) is given by the Registrar under section 32(1) of the old Act for a firearm which is a category C longarm for the purposes of this Act; and
- (ii) is in force immediately before the commencement of this Act; and
- (iii) is not held by the holder of a gun dealer's licence within the meaning of the old Act—

is deemed to—

- (iv) be a longarms licence for a category C longarm and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
- (v) continue in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the authority would have expired, if the old Act had continued to apply to it;

(b) an authority which—

- (i) is given by the Registrar under section 32(1) of the old Act for a firearm which is a category D longarm for the purposes of this Act; and
- (ii) is in force immediately before the commencement of this Act; and

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- (iii) is not held by the holder of a gun dealer's licence within the meaning of the old Act—
- is deemed to—
- (iv) be a longarms licence for a category D longarm and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
- (v) continue in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the authority would have expired, if the old Act had continued to apply to it;
- (c) a shooter's licence within the meaning of the old Act for a firearm which is a category A longarm for the purposes of this Act and which is in force immediately before the commencement of this Act—
- (i) is deemed to be a longarms licence for a category A longarm and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
- (ii) continues in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it;
- (d) a shooter's licence within the meaning of the old Act for a firearm which is a category B longarm for the purposes of this Act and which is in force immediately before the commencement of this Act—

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- (i) is deemed to be a longarms licence for a category B longarm and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it;
- (e) a pistol licence, within the meaning of the old Act in force immediately before the commencement of this Act—
- (i) is deemed to be a handgun licence and except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with a provision of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it.
- (f) a pistol collector's licence, within the meaning of the old Act in force immediately before the commencement of this Act—
- (i) is deemed to be a firearms collectors licence and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, for a period of 2 years;

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- (g) a gun dealer's licence, within the meaning of the old Act in force immediately before the commencement of this Act—
- (i) is deemed to be a dealers licence with authority to deal in category A and B longarms and handguns and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it;
- (h) an authority which—
- (i) is given by the Registrar under section 32(1) of the old Act for a firearm which is a category C longarm for the purposes of this Act; and
 - (ii) is in force immediately before the commencement of this Act; and
 - (iii) is held by the holder of a gun dealer's licence within the meaning of the old Act—
- is deemed to—
- (iv) be a dealers licence with authority to deal in category C longarms and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and

-
- (v) continue in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the authority would have expired, if the old Act had continued to apply to it;
 - (i) an authority which—
 - (i) is given by the Registrar under section 32(1) of the old Act for a firearm which is a category D longarm for the purposes of this Act; and
 - (ii) is in force immediately before the commencement of this Act; and
 - (iii) is held by the holder of a gun dealer's licence within the meaning of the old Act—is deemed to—
 - (iv) be a dealers licence with authority to deal in category D longarms and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (v) continue in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the authority would have expired, if the old Act had continued to apply to it;
 - (j) a display licence, within the meaning of the old Act in force immediately before the commencement of this Act—
 - (i) is deemed to be a firearms collectors licence and, except as is otherwise provided for in this paragraph, the

provisions of this Act apply accordingly; and

- (ii) continues in force, unless sooner suspended or cancelled in accordance with a provision of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it;
- (k) a junior permit, within the meaning of the old Act in force immediately before the commencement of this Act—
 - (i) is deemed to be a junior licence except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with a provision of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it.
- (2) In the case of an authority, licence or permit issued under the old Act, which is deemed by subsection (1) to be a licence issued under Part 2 of this Act, the Chief Commissioner may refuse to renew the licence if the holder of the licence cannot demonstrate a reason for which that licence is required as set out in Part 2.
- (3) Despite the coming into operation of section 193 an authority issued by the Governor in Council under section 32(6) of the old Act and in force immediately before the commencement of this Act continues in force as if that Act had not been repealed, for a period of 12 months after the coming into operation of section 193.

S. 195(3)
amended by
No. 26/1997
s. 34.

- (4) A person who is, under subsection (1), deemed to be the holder of a longarms licence for category A or B longarms or a handgun licence and who is, upon the expiration of that licence under this section, applying for the renewal of the licence under this Act, the Chief Commissioner may impose a condition on the renewed licence as to the number of firearms that may be possessed under that licence if the person cannot demonstrate a need to possess some of the firearms possessed under the licence.

196 Right to apply to court under section 189 before commencement of part of Act

A person may apply to the Court (within the meaning of section 189) for a declaration under that section at any time after the commencement of that section, despite the fact that any other part of this Act has not commenced.

197 Appeals and rights to appeal

If—

- (a) an appeal before the old Committee under section 43 of the old Act has not been completed before the commencement of this Act the new Committee may proceed to determine the appeal as if it were an application for a review of a decision of the Chief Commissioner under this Act; or
- (b) a person, immediately before the commencement of this Act, had a right to appeal to the old Committee in respect of a decision of the Registrar under the old Act, this Act applies to that right as if it were a right to apply for review of a decision of the Chief Commissioner under this Act.

198 Sunset on licences and permits issued under repealed provisions

- (1) A farm permit issued and in force under section 22AB of the old Act as in force immediately before the commencement of section 12 of the **Firearms (Amendment) Act 1983** continues in force for a period of 12 months after the coming into operation of section 193.
- (2) A gun collectors licence issued and in force under section 4B of the old Act, as inserted by section 4 of the **Firearms (Amendment) Act 1966**, immediately before the repeal of that section continues in force for a period of 12 months after the coming into operation of section 193.

199 Declarations

- (1) Any right existing under a declaration made under section 4(1)(f) of the old Act and in force immediately before the coming into operation of section 193, continues to exist as if that Act had not been repealed for a period of 12 months after the coming into operation of section 193.
- (2) Any right existing under a declaration made under section 4(2) of the old Act and in force immediately before the coming into operation of section 193, continues to exist as if that Act had not been repealed for a period of 12 months after the coming into operation of section 193.
- (3) Any right existing under a declaration made under section 3(1A) of the old Act and in force immediately before the coming into operation of section 193, continues to exist as if that Act had not been repealed for a period of 12 months after the coming into operation of section 193.

200 Prison officers

Any person who is a prison officer within the meaning of the **Corrections Act 1986** and who, within a period of 12 months after the coming into operation of section 193, has in his possession or carries or uses a firearm issued to him for the performance of a detailed duty and during the performance of the duty does not commit an offence against section 6 or 7 for so doing and is not required to hold a licence under this Part.

S. 200A
inserted by
No. 28/2003
s. 72.

200A Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—dealers licences

Despite the commencement of section 36 of the **Firearms (Trafficking and Handgun Control) Act 2003**, section 75A does not apply to a person who was, immediately before that commencement the holder of a dealers licence, until that person is required under this Act to renew that licence.

S. 200B
inserted by
No. 28/2003
s. 72.

200B Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—handgun licences

On and from the commencement of section 9 of the **Firearms (Trafficking and Handgun Control) Act 2003**, a licence issued under section 15, as in force before the commencement of section 9 of that Act, is deemed to be a licence issued under section 15, as in force on and from the commencement of section 9 of that Act.

S. 200C
inserted by
No. 28/2003
s. 72.

200C Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—applications for handgun licences

In the case of an application for a handgun licence in force immediately before the commencement of section 9 of the **Firearms (Trafficking and Handgun Control) Act 2003**—

- (a) subject to paragraph (b), section 15, as in force on and from that commencement, is deemed to apply to that application;
- (b) section 15(2)(b)(ii), as in force on and from that commencement, is deemed not to apply to that application.

200D Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—firearms collectors licences

S. 200D
inserted by
No. 28/2003
s. 72.

On and from the commencement of section 16 of the **Firearms (Trafficking and Handgun Control) Act 2003**, a licence, in force immediately before the commencement of that section, issued under section 21, as in force before the commencement of section 16 of that Act, is deemed to be a licence issued under section 21, as in force on and from the commencement of section 16 of that Act.

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S. 201
amended by
No. 26/1997
s. 35(1),
repealed by
No. 29/2011
s. 3(Sch. 1
item 38.4).

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S. 202
amended by
Nos 26/1997
s. 35(2),
48/1997
s. 60(2) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 114)),
repealed by
No. 29/2011
s. 3(Sch. 1
item 38.4).

Ss 203–208
repealed by
No. 29/2011
s. 3(Sch. 1
item 38.4).

S. 209
inserted by
No. 9/2003
s. 15.

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209 Transitional provisions—Control of Weapons and Firearms Acts (Search Powers) Act 2003

- (1) Section 149 as in force immediately before the commencement of section 9 of the **Control of Weapons and Firearms Acts (Search Powers) Act 2003** continues to apply to searches conducted before that commencement.
- (2) Section 150 as in force immediately before the commencement of section 10 of the **Control of Weapons and Firearms Acts (Search Powers) Act 2003** continues to apply to demands made under section 150(1) before that commencement.
- (3) Section 153A(1) as in force immediately before the commencement of section 11(1) of the **Control of Weapons and Firearms Acts (Search Powers) Act 2003** continues to apply to searches conducted before that commencement.
- (4) Section 153A(2) as in force immediately before the commencement of section 11(2) of the **Control of Weapons and Firearms Acts (Search Powers) Act 2003** continues to apply to demands made under section 153A(2) before that commencement.

S. 210
inserted by
No. 78/2005
s. 66.

210 Transitional provision—handgun security guard licence

- (1) A handgun security guard licence in force immediately before the commencement of this section, is to be taken (on and from that commencement) not to authorise the possession, carriage or use of—
 - (a) a semi-automatic handgun with a calibre of more than .40 inch; or

- (b) a revolver or single shot handgun with a calibre of more than .38 inch; or
- (c) restricted ammunition for any handgun possessed, carried or used under the licence that is not restricted ammunition to which paragraph (a) of the definition of *restricted ammunition* applies, which is possessed, carried or used in the course of training as a security guard—

S. 210(1)(c)
amended by
No. 50/2007
s. 52(1).

unless the holder of the licence has obtained an authority under this section.

- (2) A handgun security guard licence issued on or after the commencement of this section and before 1 July 2008 does not authorise the possession, carriage or use of—

- (a) a semi-automatic handgun with a calibre of more than .40 inch; or
- (b) a revolver or single shot handgun with a calibre of more than .38 inch; or
- (c) restricted ammunition for any handgun possessed, carried or used under the licence that is not restricted ammunition to which paragraph (a) of the definition of *restricted ammunition* applies, which is possessed, carried or used in the course of training as a security guard—

S. 210(2)(c)
amended by
No. 50/2007
s. 52(1).

unless the holder of the licence has obtained an authority under this section.

- (3) The holder of a handgun security guard licence issued before 1 July 2008, may apply to the Chief Commissioner for an authority to possess, carry or use—

- (a) a semi-automatic handgun with a calibre of more than .40 inch; or

S. 210(3)(c)
amended by
No. 50/2007
s. 52(2).

- (b) a revolver or single shot handgun with a calibre of more than .38 inch; or
 - (c) restricted ammunition for any handgun possessed, carried or used under the licence in the circumstances in which authority is required under subsection (1) or (2).
- (4) On application by a person under subsection (3), the Chief Commissioner may authorise the person to possess, carry or use—
- (a) a semi-automatic handgun with a calibre of more than .40 inch; or
 - (b) a revolver or single shot handgun with a calibre of more than .38 inch; or
 - (c) restricted ammunition for any handgun possessed, carried or used under the licence.
- (5) In granting an authorisation under this section, the Chief Commissioner may have regard to any matter the Commissioner considers relevant.
- (6) An authorisation under this section remains in force until 1 July 2008 or any earlier date specified by the Chief Commissioner in the authorisation and may not be renewed.
- (7) An application for an authorisation under this section must be in the form approved by the Chief Commissioner.
- (8) The Chief Commissioner may impose any conditions on an authorisation under this section that the Chief Commissioner thinks fit.

S. 211
inserted by
No. 50/2007
s. 53.

211 Transitional provisions—Firearms Amendment Act 2007

- (1) The amendment made to this Act by section 7 of the **Firearms Amendment Act 2007** applies to any handgun licence that was in force

immediately before the commencement of that section.

- (2) The amendments made to this Act by sections 5(b), 6(2)(b) and (c), 12 and 13 of the **Firearms Amendment Act 2007** apply to any application for a licence under Part 2 that was made, but not finally decided, before the commencement of that section.
- (3) The amendments made to this Act by section 14 of the **Firearms Amendment Act 2007** apply to a licence under Part 2 that was in force immediately before the commencement of that section.
- (4) The amendment made to this Act by section 28 of the **Firearms Amendment Act 2007** does not apply to applications made before the commencement of that section.
- (5) Subject to subsection (6), the amendments made to this Act by section 9, 10 or 11(1) of the **Firearms Amendment Act 2007** are not to be taken to affect a licence issued under section 21, 21A or 21B and in force immediately before the commencement of section 9, 10 or 11(1) of the **Firearms Amendment Act 2007** (as the case requires).
- (6) A licence issued under section 21B that authorises the possession or carriage of firearms that—
 - (a) were manufactured before 1 January 1900;
and
 - (b) that use percussion as a means of ignition;
and
 - (c) that take cartridge ammunition that is commercially available—

and in force immediately before the commencement of section 3(1)(b) of the **Firearms Amendment Act 2007**, is to be taken to

continue in force as if section 3(1)(b) had not been enacted, unless the licence sooner expires or is sooner cancelled or surrendered.

- (7) The amendments made—
- (a) to this Act by sections 51(a) and 51(b) of the **Firearms Amendment Act 2007**; and
 - (b) to Schedule 4 of the **Magistrates' Court Act 1989** by sections 59(1) and 59(2) of the **Firearms Amendment Act 2007**—

apply only to offences alleged to have been committed on or after the commencement of those sections.

- (8) For the purposes of subsection (7), if an offence is alleged to have been committed between two dates, one before and one after the commencement of sections 51(a), 51(b), 59(1) and 59(2) of the **Firearms Amendment Act 2007**, the offence is alleged to have been committed before the commencement of those sections.

S. 212
inserted by
No. 21/2008
s. 11.

212 Transitional provision—Justice Legislation Amendment Act 2008

A licence issued under section 9(3) for a person to possess, carry or use a registered category C longarm, being a tranquilliser gun, that was in force immediately before the commencement of section 10 of the **Justice Legislation Amendment Act 2008** continues to be in force on and after that commencement in accordance with its terms.

S. 213
inserted by
No. 52/2008
s. 249.

213 Transitional provisions—Family Violence Protection Act 2008

- (1) In this section—

the 2008 Act means the **Family Violence Protection Act 2008**.

- (2) Despite the commencement of Part 16 of the 2008 Act, section 47A continues to apply in respect of a suspension under that section in force immediately before the commencement of that Part.
- (3) If, before the commencement of section 247 of the 2008 Act, firearms or cartridge ammunition were surrendered or seized under section 53 as a consequence of the making of an intervention order under the **Crimes (Family Violence) Act 1987** (as in force before that commencement), the person must dispose of the firearm or ammunition in accordance with section 53(4) within 3 months of the making of the order, as if the surrender or seizure had happened after the commencement of section 247.
- (4) If, before the commencement of Part 16 of the 2008 Act—
 - (a) a person had applied for a declaration under section 189(1); and
 - (b) that application had not been determined—section 189 as in force immediately before the commencement of Part 16 of the 2008 Act continues to apply to the determination of the application.
- (5) The amendments made to this Act by the 2008 Act do not affect any declaration made under section 189(1) before the commencement of Part 16 of the 2008 Act.

**214 Transitional Provisions—Stalking Orders
Intervention Act 2008**

S. 214
inserted by
No. 68/2008
s. 76.

- (1) In this section—

intervention order means an intervention order of a kind referred to in section 21A(5) of the **Crimes Act 1958**;

the 2008 Act means the **Stalking Intervention Orders Act 2008**.

- (2) Despite the commencement of Part 8 of the 2008 Act, section 47A continues to apply in respect of a suspension under that section in force immediately before the commencement of that Part.
- (3) If, before the commencement of section 74 of the 2008 Act, firearms or cartridge ammunition were surrendered or seized under section 53 as a consequence of the making of an intervention order under the **Crimes (Family Violence) Act 1987**, the person must dispose of the firearm or ammunition in accordance with section 53(4) within 3 months of the making of the order, as if the surrender or seizure had happened after the commencement of section 74.
- (4) If, before the commencement of Part 8 of the 2008 Act—
 - (a) a person had applied for a declaration under section 189(1); and
 - (b) that application had not been determined—section 189 as in force immediately before the commencement of Part 8 of the 2008 Act continues to apply to the determination of the application.
- (5) The amendments made to this Act by the 2008 Act do not affect any declaration made under section 189(1) before the commencement of Part 8 of the 2008 Act.

S. 215
inserted by
No. 52/2010
s. 25.

215 Transitional provision—Firearms and Other Acts Amendment Act 2010—interstate licence holders

- (1) This section applies if, immediately before the commencement of section 15 of the **Firearms and Other Acts Amendment Act 2010**, a person

holds a licence under Part 2 and the person's ordinary place of residence is not in Victoria.

- (2) Despite section 46A, until the expiry of the licence, the person is not disqualified from holding the licence merely because the person's ordinary place of residence is not Victoria.

216 Transitional provision—Firearms and Other Acts Amendment Act 2010—imitation firearms

S. 216
inserted by
No. 52/2010
s. 25.

- (1) If, before the commencement of section (3)(1)(c) of the **Firearms and Other Acts Amendment Act 2010**, a licence was issued under Part 2 in respect of an imitation firearm and that licence is in force immediately before that commencement—
- (a) the licence remains in force after the commencement until the date the licence would otherwise have expired; and
- (b) while the licence remains in force and when acting in accordance with the licence, the holder of the licence is not liable for an offence under section 5 of the **Control of Weapons Act 1990** in respect of the weapon.
- (2) In this section, *imitation firearm* has the same meaning as in section 3(1) of the **Control of Weapons Act 1990**.

SCHEDULES

Sch. 1
amended by
No. 50/2007
s. 54.

SCHEDULE 1

GENERAL CONDITIONS FOR LICENCES UNDER PART 2

- 1 The holder of the licence must permit a member of the police force to inspect the holder's storage arrangements at any reasonable time.
 - 2 The holder of the licence must not transfer, lend or give the licence to another person.
 - 3 Any firearms held under the licence must not be used for any reason other than the reasons authorised by the licence.
 - 4 The holder of the licence must notify the Chief Commissioner of any change to the reason for which the holder's licence was issued within 7 days of becoming aware of the change.
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SCHEDULE 2

SPECIAL CONDITIONS FOR LICENCES UNDER PART 2

1 Longarm licences for category A or B longarms

- (1) If the holder of a licence is authorised to hunt under the licence, the licence is subject to the condition that, before the holder enters any privately owned land for the purpose of hunting, the holder must obtain the permission of the owner or occupier of that land to hunt on the land.
- (2) If the holder of the licence has obtained the licence for the reason of hunting, sport or target shooting or primary production, the holder is also authorised to hunt pest animals on Crown land, if such hunting is in accordance with any Act, regulations or other instrument regulating hunting on that land.

Sch. 2
item 1(2)
amended by
No. 22/1998
s. 40(a).

This authorisation does not apply to the holder of a licence who has obtained that licence for the purposes of sport or target shooting if that person is using a black powder ball firing cannon.

- (3) The holder is authorised to carry or use a longarm, the carriage or use of which is authorised by the licence, on an approved shooting range.
- (4) If one of the reasons for the licence is sport or target shooting, the holder is authorised to hunt on privately owned land if, before entering that land for the purposes of hunting, the holder has obtained the permission of the owner or occupier of that land to hunt on the land.

Sch. 2
item 1(4)
amended by
No. 22/1998
s. 40(b).

This authorisation does not apply to the holder of a licence who has obtained that licence for the purposes of sport or target shooting if that person is using a black powder ball firing cannon.

Sch. 2

Sch. 2
item 1(5A)
inserted by
No. 22/1998
s. 40(c).

(5) If one of the reasons for the licence is sport or target shooting, the holder must be a member of an approved club.

(5A) If one of the reasons for the licence is sport or target shooting, the holder must not engage in sport or target shooting except—

Sch. 2
item 1(5A)(a)
amended by
No. 50/2007
s. 55(1).

(a) at an approved shooting range; or

(b) on land owned by the holder, where the activity is being carried out in accordance with the regulations; or

(c) on land not owned by the holder, where the owner of the land has given permission for the carrying out of the activity and where the activity is being conducted in accordance with the regulations.

(6) If the licence is a longarm licence for category B longarms, the holder is authorised to use category A longarms for the reason for which the licence is issued.

Sch. 2
item 1(7)
inserted by
No. 22/1998
s. 40(d).

(7) If the holder of the licence has obtained the licence for the reason of primary production, the holder is authorised to carry or use a longarm, the carriage or use of which is authorised by the licence, on the land of another primary producer, with the permission of the owner of the land.

Sch. 2
item 1(8)
inserted by
No. 78/2005
s. 61(1).

(8) If the holder of the licence has obtained the licence for the reason of hunting or sport or target shooting, the licence is subject to the condition that the holder must not—

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- (a) possess, carry or use a detachable magazine with a capacity greater than 10 shots in combination with a pump or lever action centre fire rifle; or
 - (b) possess, carry or use a detachable magazine with a capacity greater than 15 shots in combination with a bolt action centre fire rifle; or
 - (c) possess, carry or use a detachable magazine with a capacity greater than 15 shots in combination with a pump, lever or bolt action rimfire rifle—

unless the Chief Commissioner is satisfied that the holder should be able to possess, carry or use such a magazine in combination with such a firearm for the purposes of participating in an event approved by the Chief Commissioner.

2 Longarm licences for category C longarms

- (1) If the holder of the licence is authorised to possess, carry or use firearms held under the licence for the purposes of primary production, the holder of the licence must not carry or use any firearm held under the licence except—
 - (a) on the property on which the business of primary production is carried out and for the purposes of the genuine need for which the licence was required; or
 - (b) for the purposes of the suppression of pest animals—
 - (i) on another property on which primary production is carried out, if the activity is conducted in accordance with the regulations; or

Sch. 2

- (ii) on Crown land, if such hunting is in accordance with any Act, regulation or other instrument regulating hunting on that land.
- (2) If the holder of the licence is authorised to possess, carry or use a firearm for the purposes of clay target shooting—
- (a) the holder of the licence must remain a member of a clay target shooting club or organisation approved by the Chief Commissioner for the period of the licence; and
 - (b) in each calendar year, the holder must take part in at least 4 clay target shooting competitions conducted by clay target shooting clubs or organisations; and
 - (c) the holder must not use a firearm held under the licence for the purpose of engaging in clay target shooting except—
 - (i) at an approved shooting range; or
 - (ii) on land owned by the holder, where the activity is being carried out in accordance with the regulations; or
 - (iii) on land not owned by the holder, where the owner of the land has given permission for the carrying out of the activity and where the activity is being conducted in accordance with the regulations.
- (3) If the holder of the licence is authorised to possess a firearm for carriage and use by the holder of a junior licence for the purpose of clay target shooting—

Sch. 2
item 2(2)(c)
substituted by
No. 22/1998
s. 40(e).

Sch. 2
item 2(3)
inserted by
No. 26/1997
s. 36(1).

- (a) the holder of the licence must remain a member of a clay target shooting club or organisation approved by the Chief Commissioner for the period of the licence; and
- (b) the person who carries and uses the firearm must remain the holder of a junior licence and a member of a clay target shooting club for the period of the licence.

3 Handgun licences for general category handguns

Sch. 2 item 3
(Heading)
inserted by
No. 28/2003
s. 73(1)(a).

- (1) If the holder of a licence is authorised to carry or use the firearm for the purposes of the occupation of security guard or prison guard, the holder is also authorised to carry or use a general category handgun, the carriage or use of which is authorised under the licence to practise at an approved shooting range.
- (2) If the holder is an approved club, the firearms held under the licence—
 - (a) must not be carried by any person other than the nominated person or an officer of the club who is the holder of a handgun licence for general category handguns; and
 - (b) must not be used by any person other than a member of an approved club and at an approved shooting range.
- (3) Item 3(2)(b) does not apply to a person to whom item 4 or 5A of Schedule 3 applies, if the person is carrying or using a general category handgun owned by an approved handgun target shooting club that is located at the approved shooting range at which the instruction is taking place.

Sch. 2
item 3(1)
amended by
No. 28/2003
s. 73(1)(b).

Sch. 2
item 3(2)(a)
amended by
Nos 22/1998
s. 40(f),
28/2003
s. 73(1)(c).

Sch. 2
item 3(3)
inserted by
No. 78/2005
s. 61(2).

Sch. 2

Sch. 2 item 3A
inserted by
No. 50/2007
s. 55(2).

**3A Handgun licences for general category handguns—
operators of private security businesses**

If the holder of a licence is authorised to carry or use one or more firearms for the purposes of operating a private security business, that holder must ensure that each firearm is registered to the holder's name.

4 Junior licences

Sch. 2
item 4(1)
substituted by
No. 26/1997
s. 36(2).

(1) If the holder of the licence—

- (a) is authorised to carry or use a category A or B longarm, the holder must not carry or use such a longarm except under the immediate supervision of a person who is the holder of a longarm licence for category A or B longarms;
- (b) is authorised to carry or use a category C longarm, the holder must not carry or use such a longarm except under the immediate supervision of a person who is the holder of a longarm licence for category C longarms which authorises the possession, carriage and use of category C longarms for the purposes of clay target shooting;
- (c) is authorised to carry or use a general category handgun, the holder must not carry or use such a handgun except under the immediate supervision of a person who is the holder of a handgun licence.

Sch. 2
item 4(1)(c)
amended by
No. 28/2003
s. 73(2)(a).

(2) The holder is authorised to carry or use a general category handgun, the carriage or use of which is authorised by the licence, on an approved shooting range.

Sch. 2
item 4(2)
amended by
No. 28/2003
s. 73(2)(b).

(2A) If the holder of the licence is authorised to carry or use a longarm under the licence, the holder must not carry or use the longarm for the purpose of receiving instruction in the use of the longarm for sport or target shooting except—

Sch. 2
item 4(2A)
inserted by
No. 22/1998
s. 40(g).

- (a) at an approved shooting range; or
- (b) on land owned by the holder where the activity is being carried out in accordance with the regulations; or
- (c) on land not owned by the holder, where the owner of the land has given permission for the carrying out of the activity and where the activity is being conducted in accordance with the regulations.

(2B) If the holder of the licence is authorised to carry or use a longarm under the licence, the holder must not carry or use the longarm for the purpose of engaging in sport or target shooting competitions except at an approved shooting range.

Sch. 2
item 4(2B)
inserted by
No. 22/1998
s. 40(g).

(3) The holder is not authorised to purchase cartridge ammunition.

Sch. 2
item 4(3)
amended by
No. 22/1998
s. 43(Sch.
item 16(a)).

5 Firearms collectors licences

- (1) The holder of the licence must not possess or carry any types of firearms under the licence which are not consistent with the theme of the licence.
- (2) The firearms kept under the licence must be kept at the premises specified in the licence.
- (3) The firearms kept under the licence may be carried only for the purposes of acquisition, disposal or repair.

Sch. 2

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- (4) The holder of the licence must remain a member of an organisation of firearms collectors approved by the Chief Commissioner for the period of the licence.
- (5) Any category E firearms in the collection must be rendered permanently inoperable.
- (6) Any category D firearms kept in the collection must be rendered permanently inoperable as follows—
- (a) in the case of firearms with fixed firing pins, the pin must be ground flush with the face of the bolt, in any other case, the pin must be removed completely; and
 - (b) in the case of firearms with a firing pin hole, the hole must be filled from the front end with weld; and
 - (c) the barrel must be rendered inoperative by—
 - (i) welding a steel insert into the chamber end to prevent chambering a round; or
 - (ii) drilling a hole vertically through the chamber and welding a substantial pin in place to prevent chambering a round; and
 - (d) immobilising the firing mechanism by welding the trigger and internal components.
- (7) Any firearms kept in the collection which are not category D firearms must be immediately rendered incapable of use by—
- (a) the removal of the bolt or firing pin; or
 - (b) if that is not possible, by the application of an appropriate trigger lock or barrel lock.
- (8) Any bolt or firing pin that is removed must be stored in a separate locked container from that in which the firearm is stored.

- (9) Any handgun or category C, D or E longarm for the collection must not be acquired except from—
- (a) a licensed firearms dealer; or
 - (b) the holder of a firearms collectors licence and through the agency of a licensed firearms dealer.
- (10) Any handgun or category C, D or E longarm in the collection must not be disposed of except to—
- (a) the holder of a collector's licence, through the agency of a licensed firearms dealer; or
 - (b) to a member of the police force for disposal; or
 - (c) to a museum to which an exemption has been granted under Part 11.
- (11) The holder of the licence or any person at the premises specified in the licence must produce and allow inspection of the register kept under section 24 when so requested by any member of the police force.
- (12) Items 5(7) and (8) do not apply to an antique handgun collectors licence.
- (13) The holder of an antique handgun collectors licence must take all reasonable measures to ensure the secure storage of the firearms while in carriage for the purposes of display or on display.

Sch. 2
item 5(9)
amended by
No. 28/2003
s. 73(3)(a).

Sch. 2
item 5(10)
amended by
No. 28/2003
s. 73(3)(b).

Sch. 2
item 5(12)
inserted by
No. 78/2005
s. 61(3),
amended by
No. 50/2007
s. 55(3).

Sch. 2
item 5(13)
inserted by
No. 78/2005
s. 61(3).

6 Firearms heirlooms licences

- (1) The licence applies only to the firearm or firearms specified in the licence.

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- (2) The firearms kept under the licence must be kept at the premises specified in the licence.
 - (3) Any of the firearms kept under the licence may be carried only for the purposes of acquisition, disposal or repair.
 - (4) The firearms kept under the licence must not be used.
 - (5) The firearms kept under the licence must be rendered permanently inoperable as follows—
 - (a) in the case of firearms with fixed firing pins, the pin must be ground flush with the face of the bolt, in any other case, the pin must be removed completely; and
 - (b) in the case of firearms with a firing pin hole, the hole must be filled from the front end with weld; and
 - (c) the barrel must be rendered inoperative by—
 - (i) welding a steel insert into the chamber end to prevent chambering a round; or
 - (ii) drilling a hole vertically through the chamber and welding a substantial pin in place to prevent chambering a round; and
 - (d) immobilising the firing mechanism by welding the trigger and internal components; and
 - (6) The firearms kept under the licence must not be acquired or disposed of except—
 - (a) through inheritance; or
 - (b) to the holder of a firearms collectors licence, through the agency of a licensed firearms dealer; or
 - (c) a member of the police force for disposal; or

- (d) to a museum to which an exemption has been granted under Part 11.
- (7) The holder of the licence must not keep any cartridge ammunition for the firearms kept under the licence.

Sch. 2
item 6(7)
amended by
No. 22/1998
s. 43(Sch.
item 16(b)).

7 Firearms ammunition collectors licences

- (1) The ammunition must be kept at the premises specified in the licence.
- (2) The holder of the licence must remain a member of the organisation of collectors approved by the Chief Commissioner for the period of the licence.
- (3) All ammunition in the collection must—
- (a) be rendered inert except for all sporting ammunition and military ammunition of UN hazard classification code 1.4s up to 20mm calibre; and
 - (b) must not contain high explosive smoke or chemical or lachrymatory agents.
- (4) Any ammunition kept in the collection must not be disposed of except—
- (a) to another person who is the holder of a firearms ammunition collectors licence; or
 - (b) to a licensed firearms dealer; or
 - (c) through the agency of a licensed firearms dealer.

Sch. 2
item 7(4)(a)
amended by
No. 22/1998
s. 40(h)(i).

Sch. 2
item 7(4)(b)
amended by
No. 22/1998
s. 40(h)(ii).

Sch. 2
item 7(4)(c)
inserted by
No. 22/1998
s. 40(h)(ii).

Sch. 3

Sch. 3
amended by
Nos 84/1997
s. 47, 22/1998
s. 41, 28/2003
s. 74, 78/2005
s. 62, 34/2008
s. 143(Sch. 2
item 7.2),
55/2009 s. 21,
12/2012 s. 12.

SCHEDULE 3

**NON-PROHIBITED PERSONS WHO ARE EXEMPT FROM
REQUIREMENT TO HOLD A LICENCE UNDER PART 2**

Item No.	Column 1 Persons	Column 2 Circumstances
1	A person serving as a member of the naval, military or air forces of the Commonwealth of Australia.	When possessing, carrying or using a firearm while on duty or when carrying a firearm while going to or from duty.
2	Any member of the police force, recruit, officer or employee in the office of the Chief Commissioner of Police or protective services officer.	When possessing, carrying or using a firearm for their official duties when authorised to do so by the Chief Commissioner.
3	Any member of the police force of the Commonwealth or any other State or a Territory of the Commonwealth.	When possessing, carrying or using a firearm issued to him or her for the performance of a detailed duty.
3A	Any person acting under a contract with the Chief Commissioner.	When possessing or carrying a firearm for his or her official duties when so authorised by the Chief Commissioner.
3B	Any holder of a general category handgun licence.	When carrying a general category handgun for the purposes of conducting a firearms safety training course.
4	A person who is of or over the age of 18 years, and who is receiving instruction in the use of a general category handgun—	When carrying or using a general category handgun at an approved shooting range.

Firearms Act 1996
No. 66 of 1996

Sch. 3

Item No.	Column 1 Persons	Column 2 Circumstances
	<p>(a) by or under the immediate supervision of the holder of a general category handgun licence; and</p> <p>(b) for the purposes of obtaining a general category handgun licence for a reason set out in section 15(1)— and who has not received any such instruction on more than nine previous occasions.</p>	
5	Any person who is of or over the age of 18 years who is receiving instruction in the use of a category A or category B firearm by or under the immediate supervision of the holder of a category A or category B longarm licence.	When carrying or using a longarm of the category specified in the supervisor's licence for the purposes of receiving the instruction at an approved shooting range.
5A	<p>A person who is of or over the age of 12 years and under the age of 18 years—</p> <p>(a) who is receiving instruction in the use of a general category handgun by or under the immediate supervision of a person—</p> <p>(i) who is the holder of a general category handgun licence; and</p>	When carrying or using a general category handgun at an approved shooting range.

Firearms Act 1996
No. 66 of 1996

Sch. 3

Item No.	Column 1 Persons	Column 2 Circumstances
	<p>(ii) who has written consent to give the instruction from a parent or guardian of the person who is receiving the instruction; and</p> <p>(b) who has not received any such instruction on more than two previous occasions; and</p> <p>(c) who has the written consent of his or her parent or guardian to receive the instruction.</p>	
5B	Any person who is of or over the age of 12 years and under the age of 18 years, who is receiving instruction in the use of a category A or category B longarm by or under the immediate supervision of the holder of a category A or category B longarm licence and who has the written consent of their parent or guardian to do so.	When carrying or using a longarm at an approved shooting range.
5C	Any person.	When possessing or carrying a firearm in the course of his or her duties as a supervisor, competition judge or range officer at an approved shooting range.
6	Any person.	When using an airgun which is not a paintball gun and which is securely attached to the bench for the purpose of shooting at a target at a shooting gallery or other place of amusement.

Firearms Act 1996
No. 66 of 1996

Sch. 3

Item No.	Column 1 Persons	Column 2 Circumstances
6A	A non-prohibited person who is of or over the age of 18 years.	When using or carrying a paintball marker for the purpose of and when engaging in activities that require the use of paintball markers at a location approved by the Chief Commissioner.
7	Any commercial carrier or warehouseman.	When possessing for the purposes of storage or carrying a firearm in the ordinary course of his or her business as a carrier or warehouseman.
8	Any member of a cadet corps established or recognised by or under any Commonwealth Act relating to defence.	When carrying a category A or B longarm or using such a longarm under immediate supervision at an approved range.
9	Any person on any ship or aircraft which normally operates outside Australia.	When the firearm is part of the usual equipment of the ship or aircraft and remains on board the ship or aircraft.
10	Any actor or person performing in a work for stage, television or film or in an historical re-enactment.	When carrying or using a firearm which is incapable of firing cartridge ammunition or which has been rendered permanently inoperable, or when carrying or using an operable firearm under the supervision of a licensed firearms dealer or his or her employee.
11	Any person.	When carrying or using a handgun, which is and has always been constructed for the purpose of starting sporting events, for the purpose of starting a sporting event.

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No. 66 of 1996

Sch. 3

Item No.	Column 1 Persons	Column 2 Circumstances
12	Any person who is the holder of an inter-State permit to acquire a category A, B or C longarm or a general category handgun, who has acquired a firearm in accordance with this Act and who is the holder of a licence issued in the State or Territory in which the permit was issued which authorises the possession and carriage of the firearm.	When possessing or carrying the firearm for the purposes of returning to the State or Territory in which the permit was issued, when carrying the licence and when acting in accordance with the licence.
13	Any person who is the holder of an inter-State licence to possess, carry or use a firearm, and who is the holder of an inter-State permit to acquire a firearm of the category the possession, carriage or use of which is authorised by the licence, being a permit in respect of which not more than 28 days have expired since its issue.	When possessing or carrying a firearm the possession or carriage of which is authorised by the licence for the purposes of disposing of the firearm.
14	A member of staff of the Office of Police Integrity.	When possessing, carrying or using a firearm in the course of his or her official duties when authorised to do so by the Director, Police Integrity under Division 9 of Part 4 of the Police Integrity Act 2008 .
15	Director, Police Integrity.	When possessing or carrying firearms in the course of his or her official duties under Division 9 of Part 4 of the Police Integrity Act 2008 .

Firearms Act 1996
No. 66 of 1996

Sch. 3

Item No.	Column 1 Persons	Column 2 Circumstances
16	Operational staff of the Metropolitan Fire and Emergency Services Board, officers or members of the Country Fire Authority and persons to whom section 30A(1) of the Country Fire Authority Act 1958 applies.	When using a device that has been designed solely for the purpose of igniting fires by the propulsion of incendiary pods in authorised back-burning or planned burning operations and while acting in the course of his or her duties.

SCHEDULE 4

STORAGE REQUIREMENTS

1 Longarm licences for category A and B longarms

- (1) The firearm must be stored in a receptacle—
 - (a) which is constructed of hard wood or steel that is not easily penetrable; and
 - (b) which, if it weighs less than 150 kilograms when it is empty, must be fixed to the frame of the floor or the wall of the premises where the firearm is kept in such a manner that it is not easily removable; and
 - (c) which, when any firearm is stored in it, is locked with a lock of sturdy construction.
- (2) If more than 15 firearms are stored on the premises where the firearm is stored, the premises must be fitted with an intruder alarm system—
 - (a) the installation, maintenance and operation of which complies with Australian Standard 2201.1:2007 (as amended from time to time); and
 - (b) which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.
- (3) Any cartridge ammunition for the firearm must be stored in a locked container separate from the receptacle in which the firearm must be stored.
- (4) Subject to section 121, a firearm that is possessed, carried or used by a holder of a handgun security guard licence who is employed as a security guard must be stored by the person who employs the holder of the licence as a security guard at

Sch. 4
item 1(2)
substituted by
No. 50/2007
s. 56(1).

Sch. 4
item 1(3)
amended by
No. 22/1998
s. 43(Sch.
item 17(a)).

Sch. 4
item 1(4)
inserted by
No. 50/2007
s. 56(2).

premises belonging to, or occupied by, the employer.

2 Longarm licences for category C or category D longarms and handgun licences for general category handguns

Sch. 4 item 2
(Heading)
inserted by
No. 28/2003
s. 75(1).

- (1) The firearm must be stored in a steel safe—
- (a) which is of a thickness that is not easily penetrable; and
 - (b) which, if it weighs less than 150 kilograms when it is empty, must be bolted to the structure of the premises where the firearm is authorised to be kept; and
 - (c) which, when any firearm is stored in it, is locked.

Sch. 4
item 2(1)(b)
amended by
No. 22/1998
s. 42(a).

- (2) If more than 15 firearms are stored on the premises where the firearm is stored, the premises must be fitted with an intruder alarm system—
- (a) the installation, maintenance and operation of which complies with Australian Standard 2201.1:2007 (as amended from time to time); and
 - (b) which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.

Sch. 4
item 2(2)
substituted by
No. 50/2007
s. 56(1).

- (2A) The key to the container in which the firearm is stored must—
- (a) be carried by the holder of the licence; or
 - (b) be kept securely in a separate room from the container—

Sch. 4
item 2(2A)
inserted by
No. 28/2003
s. 75(2).

when the container is not being accessed.

Sch. 4

Sch. 4
item 2(3)
amended by
No. 22/1998
s. 43(Sch.
item 17(b)).

Sch. 4
item 2(4)
inserted by
No. 50/2007
s. 56(2).

- (3) Any cartridge ammunition for the firearm must be stored in a locked container separate from the safe in which the firearm must be stored.
- (4) Subject to section 121, a firearm that is possessed, carried or used by a holder of a handgun security guard licence who is employed as a security guard must be stored by the person who employs the holder of the licence as a security guard at premises belonging to, or occupied by, the employer.

3 Firearms collectors licences

- (1) The firearm must be stored—
 - (a) on premises or a part of premises which is a permanent building with secure locks on all openings; and
 - (b) in a room—
 - (i) the walls of which are solid enough to be a substantial physical barrier to entry; and
 - (ii) any window of which is covered by security bars; and
 - (iii) any door to which is—
 - (A) of a solid material, or is covered by steel sheet or reinforced by firmly fixed steel mesh; and
 - (B) fitted with a lock of the dead latch type or an extra hasp or barrel bolt and padlock which is of such a nature as to reduce the possibility of the door being sprung from the jamb; and

(C) hinged with concealed hinge pins or with hinge pins which are welded to prevent the pins being removed; and

- (c) in a container—
- (i) which is made of steel or any other robust material; and
 - (ii) which must be firmly fixed to the wall or floor of the room; and
 - (iii) the doors of which are attached with concealed or welded hinges; and
 - (iv) which, when any firearm is stored in it, is locked with a lock which is so constructed as to prevent the doors of the container being easily sprung.

(2) If—

- (a) in the case of an antique handgun, more than 15 antique handguns are stored on the premises where the handgun is stored; or
- (b) in any other case, more than 5 firearms are stored on the premises where the firearm is stored—

Sch. 4
item 3(2)
substituted by
Nos 28/2003
s. 75(3),
78/2005 s. 63,
amended by
No. 50/2007
s. 56(3).

the premises must be fitted with an intruder alarm system—

- (c) the installation, maintenance and operation of which complies with Australian Standard 2201.1:2007 (as amended from time to time); and
- (d) which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.

Sch. 4
item 3(2)(d)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.3).

Sch. 4

Sch. 4
item 3(2A)
inserted by
No. 28/2003
s. 75(4).

- (2A) The key to the container in which the firearm is stored must—
- (a) be carried by the holder of the licence; or
 - (b) be kept securely in a separate room from the container—
- when the container is not being accessed.
- (3) The firearm must not be removed from the container except by the holder of the licence.
- (4) Any bolt or firing pin which is required to be stored separately from the firearm it is a part of, must be stored in the same manner as is required for the storage of a firearm under a longarm licence for a category A or B longarm.

Sch. 4 item 3A
inserted by
No. 22/1998
s. 42(b).

3A Firearms collectors licences—section 122(1A)

The firearm must be stored in a receptacle—

- (a) which is constructed of hard wood or steel that is not easily penetrable; and
- (b) which, if it weighs less than 150 kilograms when it is empty, must be fixed to the frame of the floor or the wall of the premises where the firearm is kept in such a manner that it is not easily removable; and
- (c) which when any firearm is stored in it is locked with a lock of sturdy construction.

Sch. 4 item 4
amended by
No. 22/1998
s. 42(c)(i).

4 Firearms heirlooms licences

- (1) The firearm must be stored in a receptacle—
- (a) which is constructed of hard wood or steel that is not easily penetrable; and
 - (b) which, if it weighs less than 150 kilograms when it is empty, must be fixed to the frame of the floor or the wall of the premises where the firearm is kept in such a manner that it is not easily removable; and

-
- (c) which, when any firearm is stored in it, is locked with a lock of sturdy construction.
- (2) Despite paragraph (1) of this item, the firearm may be displayed by being fixed to the wall of a room in a manner that makes it unable to be readily removed.

Sch. 4
item 4(2)
inserted by
No. 22/1998
s. 42(c)(ii).

5 Firearms ammunition collectors licences

The ammunition must be stored in a receptacle—

- (a) which is constructed of hard wood or steel that is not easily penetrable; and
- (b) which, if it weighs less than 150 kilograms when it is empty, must be fixed to the frame of the floor or the wall of the premises where the ammunition is kept in such a manner that it is not easily removable; and
- (c) which, when any ammunition is stored in it, is locked with a lock made of sturdy construction.
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Sch. 4
item 5(b)
amended by
No. 26/1997
s. 37.

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 31 October 1996

Legislative Council: 3 December 1996

The long title for the Bill for this Act was "to re-enact, with amendments, the **Firearms Act 1958** to make various consequential amendments to other Acts and for other purposes."

Constitution Act 1975:

Section 85(5) statement:

Legislative Assembly: 31 October 1996

Legislative Council: 3 December 1996

Absolute majorities:

Legislative Assembly: 19 and 21 November 1996

Legislative Council: 5 December 1996

The **Firearms Act 1996** was assented to on 17 December 1996 and came into operation as follows:

Sections 1, 2 on 17 December 1996: section 2(1); sections 3, 189 and 196 on 6 February 1997: Government Gazette 6 February 1997 page 257—see **Interpretation of Legislation Act 1984**; rest of Act (*except* sections 201(3), 202) on 29 April 1997: Government Gazette 24 April 1997 page 921; sections 201(3) and 202 on 31 January 1998: section 2(3).

2. Table of Amendments

This Version incorporates amendments made to the **Firearms Act 1996** by Acts and subordinate instruments.

Police and Corrections (Amendment) Act 1997, No. 26/1997

Assent Date: 20.5.97
Commencement Date: Ss 26, 27, 35 on 17.12.96: s. 2(2); ss 17–25, 28–31, 34, 36, 37 on 22.5.97: Government Gazette 22.5.97 p. 1131; ss 32, 33 on 2.10.97: Government Gazette 2.10.97 p. 2731
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Sentencing and Other Acts (Amendment) Act 1997, No. 48/1997 (as amended by No. 74/2000)

Assent Date: 11.6.97
Commencement Date: S. 60(2) on 1.9.97: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Law and Justice Legislation (Further Amendment) Act 1997, No. 84/1997

Assent Date: 2.12.97
Commencement Date: Ss 41–47 on 2.12.97: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms (Amendment) Act 1998, No. 22/1998

Assent Date: 5.5.98
Commencement Date: Ss 1, 2 on 5.5.98: s. 2(1); ss 3–40(b), 40(d), 40(f), 40(h)–43, Sch. on 6.8.98: Government Gazette 9.7.98 p. 1852; s. 40(c), (e), (g) on 7.9.98: Government Gazette 3.9.98 p. 2342
Current State: All of Act in operation

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 30) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

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Police Regulation and Firearms (Amendment) Act 1999, No. 30/1999

Assent Date: 1.6.99
Commencement Date: Ss 30–32 on 22.8.99: Government Gazette 12.8.99 p. 1889
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Psychologists Registration Act 2000, No. 41/2000

Assent Date: 6.6.00
Commencement Date: S. 102(Sch. item 4) on 1.6.01: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 45) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Further Amendment (Relationships) Act 2001, No. 72/2001

Assent Date: 7.11.01
Commencement Date: S. 3(Sch. item 8) on 20.12.01: Government Gazette 20.12.01 p. 3127
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Control of Weapons and Firearms Acts (Search Powers) Act 2003, No. 9/2003

Assent Date: 6.5.03
Commencement Date: Ss 9–15 on 5.10.03: Government Gazette 2.10.03 p. 2538
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms (Trafficking and Handgun Control) Act 2003, No. 28/2003

Assent Date: 20.5.03
Commencement Date: Ss 3(1)(a)–(e)(h)(i), 4–9, 11–13, 15–17, 19–22, 29, 38–45, 46(1)(3), 47–49, 51, 52, 54, 56–63, 67–73 on 1.7.03: Special Gazette (No. 130) 1.7.03 p. 1; ss 3(1)(f)(g)(2), 10, 14, 18, 23–28, 30–37, 46(2), 50, 53, 55, 64, 65, 66, 74, 75 on 1.1.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms (Amendment) Act 2003, No. 107/2003

Assent Date: 9.12.03
Commencement Date: S. 8 on 10.12.03: s. 2(2); ss 3–7 on 1.1.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Private Security Act 2004, No. 33/2004

Assent Date: 1.6.04
Commencement Date: S. 207 on 1.7.05: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 78) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005

Assent Date: 24.5.05
Commencement Date: S. 18(Sch. 1 item 43) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms (Further Amendment) Act 2005, No. 78/2005 (as amended by No. 50/2007)

Assent Date: 22.11.05
Commencement Date: Ss 3(1)(b), 6(4)(6)(7), 12(2)(b), 12(3)(b)(c), 19, 22, 23, 25, 26, 28, 30(2), 31, 32, 35–38, 45–47, 49–51, 55, 57, 58, 61(1)(2), 62(1)(2), 66 on 1.1.06: Government Gazette 22.12.05 p. 2972; ss 3(1)(a)(c)(d)(2), 4, 5, 6(1)(2)(3)(5), 7–10, 12(1)(2)(a)(3)(a)(4)(5)(6), 13, 14, 16–18, 20, 21, 24, 29, 30(1), 34, 39–44, 52, 53, 56, 60, 61(3), 62(3), 63 on 1.7.06: Government Gazette 29.6.06 p. 1315; ss 11, 15, 27, 33, 48, 59 on 1.10.06: s. 2(4); ss 64, 65 on 1.7.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Health Professions Registration Act 2005, No. 97/2005

Assent Date: 7.12.05
Commencement Date: S. 182(Sch. 4 item 20) on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Disability Act 2006, No. 23/2006

Assent Date: 16.5.06
Commencement Date: S. 238 on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law (Further Revision) Act 2006, No. 29/2006

Assent Date: 6.6.06
Commencement Date: S. 3(Sch. 1 item 11) on 7.6.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 20) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

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Children, Youth and Families (Consequential and Other Amendments) Act 2006, No. 48/2006

Assent Date: 15.8.06
Commencement Date: S. 42(Sch. item 14) on 23.4.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Corrections and Other Justice Legislation (Amendment) Act 2006, No. 49/2006

Assent Date: 15.8.06
Commencement Date: S. 22 on 16.8.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 39) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Revision Act 2007, No. 28/2007

Assent Date: 26.6.07
Commencement Date: S. 3(Sch. item 26) on 27.6.07: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Amendment Act 2007, No. 50/2007

Assent Date: 17.10.07
Commencement Date: Ss 3(1)(a)(c)–(g)(2), 4–8, 12, 14–19, 25–27, 30, 32–35, 40–53, 55 on 30.6.08: Government Gazette 26.6.08 p. 1388; ss 3(1)(b)(3), 9–11, 13, 20–24, 28, 29, 31, 36–39, 54, 56 on 1.9.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Relationships Act 2008, No. 12/2008

Assent Date: 15.4.08
Commencement Date: S. 73(1)(Sch. 1 item 23) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Justice Legislation Amendment Act 2008, No. 21/2008

Assent Date: 2.6.08
Commencement Date: Ss 7, 9–12 on 3.6.08: s. 2(1); s. 8 on 30.6.08: s. 2(3)(b)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Police Integrity Act 2008, No. 34/2008

Assent Date: 1.7.08
Commencement Date: S. 143(Sch. 2 item 7) on 5.12.08: Special Gazette (No. 340) 4.12.08 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

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Family Violence Protection Act, No. 52/2008

Assent Date: 23.9.08
Commencement Date: Ss 245–249 on 8.12.08: Special Gazette (No. 339)
4.12.08 p. 1
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Stalking Intervention Orders Act 2008, No. 68/2008 (as amended by No. 20/2011)

Assent Date: 18.11.08
Commencement Date: Ss 70–76 on 8.12.08: Special Gazette (No. 339)
4.12.08 p. 1
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Justice Legislation Amendment Act 2009, No. 25/2009

Assent Date: 17.6.09
Commencement Date: Ss 8–11 on 3.9.09: Government Gazette 3.9.09
p. 2331
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Justice Legislation Further Amendment Act 2009, No. 55/2009

Assent Date: 22.9.09
Commencement Date: Ss 15–21 on 30.10.09: Government Gazette 29.10.09
p. 2729
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

**Statute Law Amendment (Evidence Consequential Provisions) Act 2009,
No. 69/2009**

Assent Date: 24.11.09
Commencement Date: S. 54(Sch. Pt 2 item 21) on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

**Statute Law Amendment (National Health Practitioner Regulation) Act 2010,
No. 13/2010**

Assent Date: 30.3.10
Commencement Date: S. 51(Sch. item 23) on 1.7.10: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Firearms and Other Acts Amendment Act 2010, No. 52/2010

Assent Date: 7.9.10
Commencement Date: Ss 3(1)(b)(d), 4, 17, 19, 21, 23 on 1.11.10:
Government Gazette 28.10.10 p. 2583;
ss 3(1)(a)(c)(2), 5–16, 18, 20, 22, 24, 25 on 1.7.11:
s. 2(2)
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

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Personal Safety Intervention Orders Act 2010, No. 53/2010

Assent Date: 7.9.10
Commencement Date: S. 221(Sch. item 5) on 5.9.11: Special Gazette (No. 271) 23.8.11 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Education and Training Reform Amendment (School Safety) Act 2011, No. 11/2011

Assent Date: 10.5.11
Commencement Date: S. 7 on 1.1.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 38) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Sentencing Amendment (Community Correction Reform) Act 2011, No. 65/2011

Assent Date: 22.11.11
Commencement Date: S. 107(Sch. item 6) on 16.1.12: Special Gazette (No. 423) 21.12.11 p. 3
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Control of Weapons and Firearms Acts Amendment Act 2012, No. 12/2012

Assent Date: 20.3.12
Commencement Date: Ss 7–12 on 16.5.12: Special Gazette (No. 157) 15.5.12 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

3. Explanatory Details

No entries at date of publication.