

Firearms (Amendment) Act 1998

Act No. 22/1998

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Victoria

No. 22 of 1998

Firearms (Amendment) Act 1998[†]

[Assented to 5 May 1998]

The Parliament of Victoria enacts as follows:

1. *Purpose*

The purpose of this Act is to amend the **Firearms Act 1996**.

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 sub-section (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 sub-section (2) does not come into operation before 1 February 1999, it comes into operation on that day.

3. *Principal Act*

In this Act the **Firearms Act 1996** is called the Principal Act.

No 66/1996.
Reprint No 1
as at
2 December
1997.

4. *Amendment of section 3—definitions*

In section 3(1) of the Principal Act—

- (a) in the definition of "acquire" **omit** ", offer to buy";
- (b) in the definition of "category B longarm", after paragraph (c) **insert**—
"(d) a black powder, ball firing cannon;"
- (c) in the definition of "category E longarm"—
(i) in paragraph (d) **omit** "cannon,";
(ii) after paragraph (d) **insert**—
"(da) a cannon which is not a black powder ball firing cannon;"
- (d) in the definition of "firearm", for paragraph (g) **substitute**—
"(g) a device which was manufactured before 1900 and which is either of the following—
(i) a device which does not take cartridge ammunition;
(ii) a device which does take cartridge ammunition but for which cartridge ammunition is not commercially available; or";
- (e) the definition of "fixed ammunition" is **repealed**;

- (f) in paragraph (d) of the definition of "prohibited person"—
- (i) for "in relation to a person" **substitute** "a person, in relation to whom";
 - (ii) after "a court" **insert** ", whether in Victoria or in another State or a Territory,";
 - (iii) after sub-paragraph (iii) for "; or" **substitute**—
"
and who is not, by virtue of the operation of any other paragraph of this definition, a prohibited person; or"
- (g) **insert** the following definitions—
- ' "**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;
 - "**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;
 - "**pest animal**" has the same meaning as in the **Catchment and Land Protection Act 1994**;
-

5. Amendment of section 10—reasons for applying for longarm licence, category A or B

- (1) In section 10(1)(e) of the Principal Act, for "official or commercial" **substitute** "official, commercial or prescribed".
- (2) In section 10(2) of the Principal Act—
- (a) in paragraph (a)(ii)(A)—
- (i) **omit** "at an approved range";
- (ii) after "C or D longarms" **insert** "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";
- (b) after sub-paragraph (b)(iv) **insert**—
- "; or
- (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;"
- (c) for paragraph (e) **substitute**—
- "(e) for a purpose specified in sub-section (1)(e), the applicant must produce evidence that the licence is required for that purpose.".
- (3) After section 10(3) of the Principal Act **insert**—
- "(4) A non-prohibited person who has made an application to the Chief Commissioner for an approval under sub-section (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

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Chief Commissioner to make the decision within a reasonable time.

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

6. Amendment of section 11—reasons for applying for a longarm licence, category C

- (1) In section 11(1)(a)(iv) of the Principal Act, for "official or commercial" **substitute** "official, commercial or prescribed".
 - (2) In section 11(2) of the Principal Act—
 - (a) in paragraph (c), for sub-paragraph (ii) **substitute**—

"(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";
 - (b) in paragraph (c)(iii)(B), after "Australian Clay Target Association" **insert** "or the Victorian Field and Game Association Incorporated or the Field and Game Federation of Australia Incorporated";
 - (c) for paragraph (d) **substitute**—

"(d) for a purpose specified in sub-section (1)(a)(iv), the applicant must produce evidence that the licence is required for that purpose;"
-

(3) After section 11(3) of the Principal Act **insert**—

"(4) A non-prohibited person who has made an application to the Chief Commissioner for an approval under sub-section (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 sub-section (3); and

(b) after notifying the holder of the approval, alter any such condition."

7. Amendment of section 12—reasons for applying for a longarm licence, category D

In section 12 of the Principal Act—

(a) in sub-section (1)(a)(ii), for "official or commercial" **substitute** "official, commercial or prescribed";

(b) in sub-section (2), for paragraph (b) **substitute**—

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

8. Amendment of section 13—reasons for applying for a longarm licence, category E

(1) In section 13(1)(a) of the Principal Act, for "official or commercial" **substitute** "official, commercial or prescribed".

- (2) In section 13 of the Principal Act, for sub-section (2) **substitute**—

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

9. Amendment of section 15—issue of handgun licences

- (1) In section 15 of the Principal Act—

(a) in sub-section (1)(c), for "official or commercial" **substitute** "official, commercial or prescribed";

(b) in sub-section (2), for paragraph (c) **substitute**—

"(c) for a purpose specified in sub-section (1)(c), the applicant must produce evidence that the licence is required for that purpose."

- (2) After section 15(3) of the Principal Act **insert**—

"(4) A non-prohibited person who has made an application to the Chief Commissioner for an approval under sub-section (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 sub-section (3); and

(b) after notifying the holder of the approval, alter any such condition."

10. Amendment of section 17—discretion of Chief Commissioner to refuse to issue longarm or handgun licence

In section 17(1) of the Principal Act—

- (a) **omit** "(1)";
- (b) in paragraph (c)(v) for "is in the public interest" **substitute** "is not against the public interest".

11. Amendment of section 18—junior licences

- (1) In section 18(1) of the Principal Act, for "category A, B or C longarms" **substitute** "category A or B longarms, category C longarms (being shotguns)".
- (2) In section 18(1) of the Principal Act, for "in competition shooting" **substitute** "in sport or target shooting competitions".
- (3) In section 18(3) of the Principal Act, for paragraph (b) **substitute**—
"(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".

12. Amendment of section 20—discretion of Chief Commissioner to refuse a junior licence

In section 20(b)(iv) of the Principal Act, for "is in the public interest" **substitute** "is not against the public interest".

13. Amendment of section 23—discretion of Chief Commissioner to refuse a firearms collectors licence

In section 23(1) of the Principal Act—

- (a) **omit** "(1)";

(b) in paragraph (c)(iv) for "is in the public interest" **substitute** "is not against the public interest".

14. Amendment of section 27—discretion of Chief Commissioner to refuse firearms heirlooms licence

In section 27(b)(iv) of the Principal Act, for "is in the public interest" **substitute** "is not against the public interest".

15. Amendment of section 29—discretion of Chief Commissioner to refuse firearms ammunition collectors licence

In section 29(c)(iv) of the Principal Act, for "is in the public interest" **substitute** "is not against the public interest".

16. Amendment of section 42—discretion of Chief Commissioner to refuse to renew licence etc.

In section 42(2)(c)(iii) of the Principal Act, for "is in the public interest" **substitute** "is not against the public interest".

17. Amendment of section 53—Surrender of firearms

(1) After section 53(4)(b)(ii) of the Principal Act **insert—**

"(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".

(2) After section 53(5) of the Principal Act **insert—**

"(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 sub-section (4)(b)(iii), that person is deemed to have made that

application within 56 days of the making of the decision."

18. Amendment of section 61—discretion of Chief Commissioner to refuse dealers licence

In section 61(c)(iii) of the Principal Act, for "is in the public interest" **substitute** "is not against the public interest".

19. Amendment of section 63—application for dealers licence

After section 63(3) of the Principal Act **insert**—

'(4) Sub-section (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 sub-section (4) "**partnership**" has the same meaning as in section 5 of the **Partnership Act 1958**.'

20. Amendment of section 72—renewal of dealers licence

After section 72(5) of the Principal Act **insert**—

'(5A) Sub-section (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.

(5B) In sub-section (5A) "**partnership**" has the same meaning as in section 5 of the **Partnership Act 1958**.'

21. Amendment of section 73—discretion of Chief Commissioner to refuse dealers licence

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In section 73(b)(iii) of the Principal Act, for "is in the public interest" **substitute** "is not against the public interest".

22. Insertion of new Division 6 in Part 3

After Division 5 of Part 3 of the Principal Act **insert—**

"Division 6—Permits

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 sub-section (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 an imitation handgun or 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.

Penalty: 60 penalty units or 12 months imprisonment."

23. *Amendment of section 93—dealers' acquisition of firearms*

After section 93(4)(e) of the Principal Act
insert—

- "(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—
- (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;
- (g) in the case of a category C longarm or a 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 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."

24. Amendment of section 104—power to refuse permit to acquire

In section 104(1) of the Principal Act—

- (a) in paragraph (b)(iii), for "is in the public interest" **substitute** "is not against the public interest";
- (b) in paragraph (d)(iii)(B), after "for a semi-automatic shotgun or a pump action shotgun" **insert** "and the applicant holds the relevant licence for a reason set out in section 11(1)(a)(i), (ii) or (iv)".

25. Substitution of section 107

For section 107 of the Principal Act **substitute**—

"107. Waiting period for issue of permit

- (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."

26. Amendment of section 115—notice of bringing into the State

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After section 115(2) of the Principal Act **insert**—

- "(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."

27. Amendment of section 118—notice of dealer's transactions

In section 118 of the Principal Act, for "7" **substitute** "28".

28. Amendment of section 121—Storage of ammunition for longarms and handguns

(1) After section 121(1) of the Principal Act **insert**—

- "(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) After section 121(2) of the Principal Act **insert**—

"(2A) A person who possesses cartridge ammunition under a handgun licence 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."

(3) After section 121(3) of the Principal Act **insert**—

"(3A) A person who possesses cartridge ammunition 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."

29. Amendment of section 122—storage by firearms collectors

(1) In section 122(1) of the Principal Act, after "A person" **insert** "(who is not a person to whom subsection (1A) applies)".

(2) After section 122(1) of the Principal Act **insert**—

"(1A) If—

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- (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."

30. *Amendment of section 123—storage of ammunition under dealers licences*

After section 123(3) of the Principal Act **insert**—

- "(4) A person who possesses ammunition under a dealers licence must store that ammunition in the manner fixed in the licence.

Penalty: 120 penalty units or 2 years imprisonment."

31. *Insertion of new section to follow section 129*

After section 129 of the Principal Act **insert**—

"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."

32. Amendment of section 130—town or populous place

After section 130(2) of the Principal Act **insert—**

- "(3) Sub-section (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 sub-section (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 sub-section (3).
- (6) A permit under sub-section (3) continues in force for the period specified in the permit."

33. Amendment of section 137—alteration of documents

At the end of section 137 of the Principal Act **insert—**

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"(2) Sub-section (1) does not apply to the Chief Commissioner or any person acting on behalf of the Chief Commissioner."

34. *Insertion of new section to follow section 140*

After section 140 of the Principal Act **insert**—

"140A. *False or misleading statements in applications*

A person must not knowingly make a statement in an application under this Act which is false or misleading in any material particular.

Penalty: 60 penalty units or 12 months imprisonment."

35. *Amendment of section 141—statements as evidence*

In section 141 of the Principal Act, after "the Chief Commissioner" **insert** "or a person employed in the office of the Chief Commissioner in the administration of this Act".

36. *Amendment of section 179—approval of Chief Commissioner*

In section 179 of the Principal Act, for sub-section (2) **substitute**—

"(2) A non-prohibited person who has made an application to the Chief Commissioner for an approval under sub-section (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 sub-section (1); and

-
- (b) may, after notifying the holder of the approval, alter any such condition."

37. Amendment of section 185—temporary visitors

After section 185(2) of the Principal Act **insert**—

"(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
- (d) the person is acting in the manner authorised by the licence and in accordance with any conditions of the licence.

(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."

38. Amendment of section 187—*permanent residents, recognition of licences*

In section 187(2) of the Principal Act—

- (a) in paragraph (d), for "possess or carry" **substitute** "possess, carry or use";
- (b) at the end of paragraph (d) **insert**—

"—

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."

39. Amendment of section 189—*persons who have committed offences under the Firearms Act 1996 etc. may apply to Court to be deemed not to be prohibited persons*

(1) After section 189(1) of the Principal Act **insert**—

"(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) In section 189(2A)(c) of the Principal Act, before "the person" **insert** "in the case of an application under sub-section (1),".
- (3) In section 189(2B)(b) of the Principal Act, before "person" **insert** "in the case of an application under sub-section (1),".
- (4) In section 189 of the Principal Act, for sub-section (3) **substitute**—
- '(3) In this section, "**Court**" means—
- (a) in the case of a person who was made the subject of an order referred to in sub-section (1)—
- (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 sub-section (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.'

40. Amendment of Schedule 2—special conditions for licences

In Schedule 2 to the Principal Act—

- (a) at the end of item 1(2) **insert**—

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"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.";

(b) at the end of item 1(4) **insert**—

"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.";

(c) after item 1(5), **insert**—

"(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—

- (a) at an approved shooting range or an approved location of a paintball activity; 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.";

(d) at the end of item 1 **insert**—

"(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.";

(e) in item 2(2) for paragraph (c) **substitute**—

"(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.";

(f) in item 3(2), in paragraph (a) after "nominated person" **insert** "or an officer of the club who is the holder of a handgun licence";

(g) after item 4(2) **insert**—

"(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—

(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.";

(h) in item 7(4)—

- (i) in paragraph (a), **omit** "through the agency of a licensed firearms dealer";

(ii) at the end of paragraph (b) **insert**—
"; or

- (c) through the agency of a licensed firearms dealer."

41. Amendment of Schedule 3—exemption from requirement to hold licence

In Schedule 3 to the Principal Act—

(a) for Column 2 of item 4 **substitute**—

"When carrying or using a hand gun at an approved shooting range.";

(b) after item 5 **insert**—

"

5A.	Any person who is of or over the age of 12 years and under the age of 18 years,	When carrying or using a
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	who is receiving instruction in the use of a handgun by or under the immediate supervision of the holder of a handgun licence and who has the written consent of their parent or guardian to do so.	handgun at an approved shooting range.
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.

”;

(c) for Column 2 of item 10 **substitute**—

“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.”;

(d) for Column 1 of item 11 **substitute**—

“Any person.”;

(e) after item 12 **insert**—

”

13.	Any person who is the holder of an inter-State licence to possess, carry or use a	When possessing or carrying a
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	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.	firearm the possession or carriage of which is authorised by the licence for the purposes of disposing of the firearm.
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"

42. Amendment of Schedule 4—storage requirements

In Schedule 4 to the Principal Act—

- (a) in item 2(1)(b), for "500" **substitute** "150";
- (b) after item 3 **insert**—

"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.";
- (c) in item 4—
 - (i) before "The firearm" **insert** "(1)"; and
 - (ii) at the end of the item **insert**—

"(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."

43. *Further amendments to the Firearms Act 1996*

The Principal Act is amended as set out in the Schedule.

SCHEDULE

FURTHER AMENDMENTS TO THE FIREARMS ACT 1996

1. In section 8, for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 2. In section 28(1), for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 3. In section 53, for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 4. In section 56—
 - (a) in sub-section (1), for "firearms or ammunition" **substitute** "firearms or cartridge ammunition";
 - (b) in sub-sections (2), (3), (4) and (5), for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 5. In section 59(3), for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 6. In section 83, for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 7. In section 122(4), for "ammunition" (where first occurring) **substitute** "cartridge ammunition".
 8. In section 124—
 - (a) in sub-section (1), for "ammunition" **substitute** "cartridge ammunition";
 - (b) in sub-section (2), for "possess ammunition" **substitute** "possess cartridge ammunition";
 - (c) in sub-section (3), for "ammunition" **substitute** "cartridge ammunition".
 9. In section 125, for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 10. In section 126(4), for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 11. In section 149, for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 12. In section 151(1), for "ammunition" **substitute** "cartridge ammunition".
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13. In section 153, for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 14. In section 153A—
 - (a) for "ammunition" (wherever occurring) **substitute** "cartridge ammunition";
 - (b) in sub-section (1)(b), for "**Fisheries Act 1996**" **substitute** "**Fisheries Act 1995**";
 - (c) in sub-section (2)(d), for "**Fisheries Act 1996**" **substitute** "**Fisheries Act 1995**".
 15. In section 191(1)(a), for "ammunition" (wherever occurring) **substitute** "cartridge ammunition".
 16. In Schedule 2—
 - (a) in item 4(3), for "ammunition" **substitute** "cartridge ammunition";
 - (b) in item 6(7), for "ammunition" **substitute** "cartridge ammunition".
 17. In Schedule 4—
 - (a) in item 1(3), for "ammunition" **substitute** "cartridge ammunition";
 - (b) in item 2(3), for "ammunition" **substitute** "cartridge ammunition".
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NOTES

† *Minister's second reading speech—*

Legislative Assembly: 19 February 1998

Legislative Council: 8 April 1998

The long title for the Bill for this Act was "to amend the **Firearms Act 1996** and for other purposes."