

Firearms (Trafficking and Handgun Control) Act 2003

Act No. 28/2003

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Victoria

No. 28 of 2003

Firearms (Trafficking and Handgun Control) Act 2003[†]

[Assented to 20 May 2003]

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purposes*

The purposes of this Act are—

- (a) to amend the **Firearms Act 1996** to—
 - (i) create new offences;
 - (ii) increase penalties for existing offences;

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Part 1—Preliminary

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- (iii) restrict the circumstances in which handguns can be used;
 - (iv) restrict the classes of handguns for which persons may be licensed;
 - (v) increase the requirements to be satisfied before licences for handguns may be issued;
 - (vi) prescribe further conditions for licences on handguns;
 - (vii) make further provision for approvals for handgun target shooting clubs and firearms collectors clubs;
 - (viii) prescribe certain requirements to be complied with by handgun target shooting clubs and firearms collectors clubs;
 - (ix) make further provision for firearms collectors licences;
 - (x) make further provision for the power of the Chief Commissioner to refuse applications for, or to cancel, handgun licences;
 - (xi) make further provision relating to associates of licence holders;
 - (xii) impose further restrictions on the possession of certain handguns and unregistered firearms;
 - (xiii) impose further restrictions on the acquisition and disposal of unregistered firearms;
- (b) to make other minor amendments to the **Firearms Act 1996**;
 - (c) to make consequential amendments to the **Magistrates' Court Act 1989**.
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Part 1—Preliminary

2. Commencement

- (1) Subject to sub-section (2), this Act comes into operation on a day or days to be proclaimed.
 - (2) If a provision of this Act does not come into operation before 1 January 2004, it comes into operation on that day.
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PART 2—AMENDMENTS TO THE FIREARMS ACT 1996

3. Definitions

(1) In section 3(1) of the **Firearms Act 1996**—

(a) for the definition of "acquire" **substitute**—

' "**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;';

(b) for the definition of "dispose of"
substitute—

' "**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;';

(c) **insert** the following definitions—

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

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

See:
Act No.
66/1996.
Reprint No. 2
as at
8 April 1999
and
amending
Act Nos
30/1999,
41/2000,
44/2001 and
72/2001.
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"approved handgun target shooting match" means—

- (a) for handguns that are of a calibre of .38 inch or less, a handgun target shooting match that is of a class that is prescribed for handguns of any such calibre; or
- (b) for handguns that are of a calibre that is more than .38 inch but not more than .45 inch, a handgun target shooting match that is of a class that is prescribed for handguns of any such calibre; or
- (c) for handguns that are of a calibre of more than .45 inch, a black powder handgun target shooting match that is of a class that is prescribed for handguns of any such calibre;

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

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

"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;

"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
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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

(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;

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Part 2—Amendments to the Firearms Act 1996

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

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

"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;

"nominated officer" means a person nominated under section 123N;

"registered" means registered under Part 5;';

- (d) in the definition of "approved club" **omit** "or section 15(3)";
 - (e) in paragraph (a) of the definition of "category E longarm", after "machine gun" **insert** "that is a longarm";
 - (f) paragraph (g) of the definition of "firearm" is **repealed**;
 - (g) in the definition of "handgun licence", after "section 15" **insert** "or section 16A";
 - (h) in the definition of "firearms collectors licence", after "under section 21" **insert** "or section 21A";
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- (i) in the definition of "prohibited person", after paragraph (b) **insert**—
- "(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 sub-paragraph (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".
- (2) After section 3(2) of the **Firearms Act 1996** **insert**—
- "(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.
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- (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) in the case of any such firearm that is a handgun, it is not of a type that uses percussion, or methods developed during or after the development of percussion, as a means of ignition."

4. Increase in penalty for possession, carriage or use of firearm by prohibited person

- (1) In section 5(1) of the **Firearms Act 1996**—
- (a) after "use a" **insert** "registered";
 - (b) for "600 penalty units or 7 years imprisonment" **substitute** "1200 penalty units or 10 years imprisonment".
- (2) After section 5(1) of the **Firearms Act 1996** **insert**—
- "(1A) A prohibited person must not possess, carry or use a firearm that is not registered.
- Penalty: 1800 penalty units or 15 years imprisonment."
- (3) In section 5(2) of the **Firearms Act 1996**, for "240 penalty units or 4 years imprisonment" **substitute** "480 penalty units or 8 years imprisonment".
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5. Possession, carriage or use of longarms

- (1) In section 6(1) of the **Firearms Act 1996**—
 - (a) for "unless the longarm is registered and"
substitute "that is registered unless";
 - (b) for "60 penalty units or 12 months
imprisonment" **substitute** "120 penalty units
or 2 years imprisonment".
- (2) In section 6(2) of the **Firearms Act 1996**—
 - (a) for "unless the longarm is registered and"
substitute "that is registered unless";
 - (b) for "60 penalty units or 12 months
imprisonment" **substitute** "120 penalty units
or 2 years imprisonment".
- (3) In section 6(3) of the **Firearms Act 1996**—
 - (a) for "unless the longarm is registered and"
substitute "that is registered unless";
 - (b) for "120 penalty units or 2 years
imprisonment" **substitute** "240 penalty units
or 4 years imprisonment".
- (4) In section 6(4) of the **Firearms Act 1996**—
 - (a) for "unless the longarm is registered and"
substitute "that is registered unless";
 - (b) for "120 penalty units or 2 years
imprisonment" **substitute** "240 penalty units
or 4 years imprisonment".
- (5) In section 6(5) of the **Firearms Act 1996**—
 - (a) for "unless the longarm is registered and"
substitute "that is registered unless";
 - (b) for "240 penalty units or 4 years
imprisonment" **substitute** "600 penalty units
or 7 years imprisonment".

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(6) For section 6(6) of the **Firearms Act 1996**
substitute—

"(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.

Penalty: 240 penalty units or 4 years
imprisonment."

6. Insertion of new section 6A

After section 6 of the **Firearms Act 1996**
insert—

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

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

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

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.

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

7. Substitution of section 7

For section 7 of the **Firearms Act 1996** substitute—

"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.

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- (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."

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8. Insertion of new sections 7A to 7C

After section 7 of the **Firearms Act 1996**
insert—

"7A. Offence for holder of a general category handgun licence to possess carry or use certain types of handguns under the licence

- (1) A person who is the holder of a general category handgun licence for the reason of target shooting must not possess, carry or use—
- (a) unless authorised by the Chief Commissioner under sub-section (2), any handgun that has a barrel length of—
 - (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 sub-section (4) any handgun that has a calibre of more than .45 inch; or
 - (c) unless authorised by the Chief Commissioner under sub-section (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.

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- (2) Upon application by a person who is the holder of, or an applicant for, a general category handgun licence for the reason of target shooting, 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.
 - (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 a prescribed class of 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 general category handgun licence for the reason of target shooting, 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
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- (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 a prescribed class of 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 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.
- (6) If the Chief Commissioner has, under subsection (4), authorised the possession, carriage or use of a handgun, the holder must not use that handgun in a handgun target shooting match that is not of a class of handgun target shooting matches that is prescribed as suitable for the calibre of the handgun.

Penalty: 240 penalty units or 4 years imprisonment

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

- (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.

- (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.

7C. *Possession of a traffickable quantity of unregistered firearms*

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

Penalty: 1200 penalty units or 10 years imprisonment.

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

9. Issue of general category handgun licences

- (1) **Insert** the following heading to section 15 of the **Firearms Act 1996**—

"Issue of handgun licences for general category handguns".

- (2) In section 15(1) of the **Firearms Act 1996**, for "handgun" **substitute** "general category handgun".

- (3) In section 15(2) of the **Firearms Act 1996**—

(a) in paragraph (a)(ii), for "handgun" **substitute** "a general category handgun";

(b) for paragraph (b) **substitute**—

"(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;"

- (4) For section 15(3) of the **Firearms Act 1996** **substitute**—

"(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

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officer of an approved handgun target shooting club of which the person is a member has, on behalf of the club, endorsed the application."

- (5) Section 15(4) of the **Firearms Act 1996** is **repealed**.
- (6) Section 15(5) of the **Firearms Act 1996** is **repealed**.

10. *Further conditions applying to general category handgun licences*

At the end of section 16 of the **Firearms Act 1996** insert—

- (2) If the holder of a general category handgun licence is authorised to possess, carry or use a general category handgun for the reason of target shooting, 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) If—
 - (a) the holder of a general category handgun licence is authorised under the licence to possess, carry or use general category handguns for the reason of target shooting; and
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- (b) that holder does not possess, carry or use more than one class of general category handguns under that licence—
- the licence is subject to the condition that in each calendar year for which the holder holds the licence, subject to sub-section (4), he or she must participate in, either as a competitor or as the supervisor, a competition judge or range officer—
- (c) at least 6 competitive approved handgun target shooting matches on at least 6 separate days; and
- (d) at least 4 handgun target shoots organised by approved handgun target shooting clubs on at least 4 separate days, being days that are in addition to the days under paragraph (c).
- (4) The holder of a licence, to whom sub-section (3) applies, must participate in at least 6 of the matches and shoots required by sub-section (3) as a competitor.
- (5) If—
- (a) the holder of a general category handgun licence is authorised under the licence to possess, carry or use general category handguns for the reason of target shooting; and
- (b) that holder does possess, carry or use more than one class of general category handguns under that licence—
- the licence is subject to the condition that in each calendar year for which the holder holds the licence, subject to sub-section (6), he or she must participate in, either as a competitor or as the supervisor, a competition judge or range officer—
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- (c) for each class of handgun possessed by the holder in the whole or any part of the calendar year, at least 4 competitive approved handgun target shooting matches for that class of handgun that take place on at least 4 separate days; and
- (d) in any case—
 - (i) at least 6 competitive approved handgun target shooting matches on at least 6 separate days; and
 - (ii) at least 4 handgun target shoots organised by approved handgun target shooting clubs on at least 4 separate days, being days that are in addition to the days under sub-paragraph (i).
- (6) The holder of a licence, to whom sub-section (5) applies, must participate in at least 6 of the matches and shoots required by sub-section (5)(d) as a competitor.
- (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.'

11. *Insertion of new sections 16A and 16B*

After section 16 of the **Firearms Act 1996**
insert—

"16A. *Issue of handgun licences for category E handguns*

- (1) The Chief Commissioner may licence a person to possess, carry or use category E

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- 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 sub-section (2)(a), the applicant must produce evidence that the licence is required for that purpose.

16B. *Conditions applying to handgun licences for category E handguns*

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."

12. *Discretion of Chief Commissioner to refuse a handgun licence*

After section 17(c)(i) of the **Firearms Act 1996** insert—

- "(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

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Commissioner not to be satisfied that the person is a fit and proper person; and".

13. Junior licences

- (1) In section 18(1) of the **Firearms Act 1996**, for "handguns" **substitute** "general category handguns".
- (2) After section 18(2) of the **Firearms Act 1996** **insert**—
 - "(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."
- (3) After section 18(3) of the **Firearms Act 1996** **insert**—
 - "(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.

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- (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."

14. *Further conditions applying to junior licences*

At the end of section 19 of the **Firearms Act 1996** insert—

- "(2) If the holder of a junior licence is authorised to carry or use a general category handgun for the reason of handgun target shooting, the licence is subject to the following conditions—
- (a) the holder must not participate in handgun target shooting for any purpose other than the purpose of preparing for and taking part in approved handgun target shooting matches;
 - (b) if the holder does not carry or use more than one class of handguns, in each calendar year for which the holder holds the licence, the holder must—
 - (i) compete in at least 6 competitive approved handgun target shooting matches on at least 6 separate days; and
 - (ii) participate in at least 4 handgun target shoots organised by approved handgun target shooting clubs on at least 4 separate days, being days that are in addition to the days under sub-paragraph (i);

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- (c) if the holder does carry or use more than one class of handguns, in each calendar year for which the holder holds the licence, the holder must—
- (i) compete in, for each class of handgun carried or used by the holder in the whole or any part of the calendar year, at least 4 competitive approved handgun target shooting matches for that class of handgun that take place on at least 4 separate days; and
 - (ii) in any case—
 - (A) compete in at least 6 competitive approved handgun target shooting matches on at least 6 separate days; and
 - (B) participate in at least 4 handgun target shoots organised by approved handgun target shooting clubs on at least 4 separate days, being days that are in addition to the days under sub-sub-paragraph (A);
- (d) 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."

15. Alteration of reference to handguns in section 20

In section 20(b)(i) of the **Firearms Act 1996**, for "handgun" **substitute** "general category handgun".

16. Category 1 firearms collectors licences

- (1) Insert the following heading to section 21 of the **Firearms Act 1996**—

"Issue of category 1 firearms collectors licences".

- (2) For section 21(1) of the **Firearms Act 1996** substitute—

"(1) The Chief Commissioner may licence a person to possess or carry—

- (a) longarms; and
- (b) handguns that have been manufactured before 1 January 1947—

for the purpose of collecting any such firearms."

- (3) In section 21(2) of the **Firearms Act 1996**—

- (a) for paragraph (a) substitute—

"(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";

- (b) in paragraph (b) for "commemorative, historical, thematic or investment value." substitute "commemorative, historical or thematic value; and";

- (c) after paragraph (b) insert—

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

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17. Insertion of new section 21A

After section 21 of the **Firearms Act 1996**
insert—

"21A. Issue of category 2 firearms collectors licences

- (1) The Chief Commissioner may licence a person to possess or carry handguns that have been manufactured on or after 1 January 1947 for the purpose of collecting any such handguns.
- (2) The Chief Commissioner must not issue a licence under sub-section (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."

18. *Conditions on firearms collectors licences*

- (1) **Insert** the following heading to section 22 of the **Firearms Act 1996**—

"Conditions applying to category 1 and category 2 firearms collectors licences".

- (2) In section 22 of the **Firearms Act 1996**, for "A firearms collectors licence" **substitute**—

"(1) Each category 1 and category 2 firearms collectors licence".

- (3) At the end of section 22 of the **Firearms Act 1996** **insert**—

"(2) Each category 1 and category 2 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."

19. *Category of handgun that may be removed from collectors register*

In section 24(2) of the **Firearms Act 1996**, after "a handgun licence" **insert** "for general category handguns".

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20. *Limitation on review of decision of Chief Commissioner not to issue licence*

- (1) In section 34 of the **Firearms Act 1996**, for "A non-prohibited person" **substitute—**
"(1) Subject to sub-section (2), a non-prohibited person".
- (2) At the end of section 34 of the **Firearms Act 1996** **insert—**
"(2) Sub-section (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)".

21. *Requirement to comply with licence conditions for general category and category E handgun licences*

- (1) In section 36(2) of the **Firearms Act 1996**, for "a handgun licence" **substitute** "a handgun licence for general category handguns".
- (2) In section 36(3) of the **Firearms Act 1996**, after "category E longarms" **insert** "or a handgun licence for category E handguns".

22. *Disposal of general category and category E handguns where licence not renewed*

- (1) In section 45(4) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".
- (2) In section 45(5) of the **Firearms Act 1996**, after "category E longarm" **insert** "or a category E handgun".

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23. Power of Chief Commissioner to cancel a general category handgun licence for failure to comply with certain conditions

- (1) In section 49 of the **Firearms Act 1996**—
- (a) before "The Chief Commissioner may" **insert** "(1)";
 - (b) in paragraph (d), for "the conditions of the licence" **substitute** "a condition of the licence, that is not the condition set out in section 16(2)(b) or (c)";
 - (c) after paragraph (f) **insert**—
 - "(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";
 - (d) after paragraph (h) **insert**—
 - "(ha) the holder has, through his or her negligence or fraud, caused a firearm to be lost or stolen; or".
- (2) At the end of section 49 of the **Firearms Act 1996** **insert**—
- "(2) If the holder of a general category handgun licence is a holder to whom the condition set out in section 16(2)(b) applies, the Chief Commissioner must cancel that licence if the holder has failed to comply with that condition.

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- (3) If the holder of a general category handgun licence is a holder to whom the condition set out in section 16(2)(c) applies, the Chief Commissioner—
- (a) must cancel that licence if the holder has failed to comply with sub-paragraph (ii) of that condition; and
 - (b) may cancel that licence if the holder has failed to comply with sub-paragraph (i) of that condition."

24. *Limitation of power to apply to Committee for review of licence cancellation for general category handgun licences*

In section 50 of the **Firearms Act 1996**, for "under section 49" **substitute** "under section 49(1), on any ground set out in that sub-section other than the ground set out in paragraph (fa)".

25. *Notice of decision to cancel general category handgun licence*

- (1) In section 51(1) of the **Firearms Act 1996**, after "49" **insert** "(1), other than paragraph (fa),".
 - (2) After section 51(1) of the **Firearms Act 1996** **insert**—
 - "(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."
 - (3) In section 51(2) of the **Firearms Act 1996**, after "(1)" **insert** "or (1A)".
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26. Insertion of new sections 52A and 52B

After section 52 of the **Firearms Act 1996**
insert—

"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

(1) If—

- (a) the holder of a general category handgun licence is a holder to whom the condition set out in section 16(2)(c) applies; and
- (b) the holder has failed to comply with sub-paragraph (i) of that condition; and
- (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 sub-section (1), the Chief Commissioner must so notify the holder of the licence.

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

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 sub-section (1), the Chief Commissioner must so notify the holder of the licence.
- (3) A notice under sub-section (1) may be served on the holder either personally or by post."

27. Insertion of new sections 53A and 53B

After section 53 of the **Firearms Act 1996**
insert—

**"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 sub-section (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.
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- (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.

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

- (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 sub-section (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
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- (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."

28. Requirement for certain exempt persons to notify the Chief Commissioner

At the end of section 54 of the **Firearms Act 1996** insert—

- "(2) A person who 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 must, on each occasion on which that person receives that instruction, so notify the Chief Commissioner on the form approved by the Chief Commissioner.
- (3) A notification under sub-section (2) must—
 - (a) contain any information as to the identity of the person 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.

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- (4) As part of a notification under sub-section (2), the Chief Commissioner may require the person giving the notification to make a declaration—
- (a) as to whether or not the person is a prohibited person; and
 - (b) as to the number of occasions on which the person has received instruction in the use of general category handgun.
- (5) A person must not give false information in a notification under sub-section (2).

Penalty: 120 penalty units or 2 years imprisonment."

29. *Permits for collectors to carry or use handguns*

In section 58(1) of the **Firearms Act 1996**, for "handgun" **substitute** "a general category handgun".

30. *Insertion of new sections 58A*

After section 58 of the **Firearms Act 1996** **insert—**

'58A. *Permits to carry or use general category handguns during probationary period*

- (1) The Chief Commissioner may grant a permit to a probationary member of an approved handgun target shooting club to carry or use the classes of handguns specified in the permit at approved handgun target shooting matches.
- (2) The Chief Commissioner must not grant a permit under this section—
- (a) if the applicant is a prohibited person; or

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- (b) unless the Chief Commissioner is satisfied that the applicant is a fit and proper person to hold such a permit; or
 - (c) in the case of an applicant who is of or over 12 years of age and under the age of 18 years unless—
 - (i) the applicant has the written consent of his or her parent or guardian; and
 - (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) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.
 - (4) The holder of a permit under this section does not commit an offence under section 7 when acting under and in accordance with the permit.
 - (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: 120 penalty units or 2 years imprisonment.

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- (8) In this section "**probationary member of an approved handgun target shooting club**" means a member of an approved handgun target shooting club who is not entitled to the issue of a general category handgun licence because of the operation of section 15(2)(b)(ii).¹

31. *Discretion of Chief Commissioner to refuse to issue dealers licence*

In section 61 of the **Firearms Act 1996**—

- (a) in paragraph (a), after "the applicant," **insert** "any close associate of the applicant,";
- (b) after paragraph (c) **insert**—
- "(ca) unless the Chief Commissioner is satisfied that all close associates of the applicant are fit and proper persons; or".

32. *Application by natural person for dealers licence*

- (1) In section 64 of the **Firearms Act 1996**, after "accompanied by—" **insert**—
- "(aa) a statement setting out the name and address of any person who is a close associate of the applicant, verified by a statutory declaration; and".
- (2) In section 64 of the **Firearms Act 1996**—
- (a) in paragraph (b), for "business." **substitute** "business; and";
- (b) after paragraph (b) **insert**—
- "(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.".

33. Application by body corporate for a dealers licence

In section 65 of the **Firearms Act 1996**—

- (a) in paragraph (c)(ii), for "fingerprints."
substitute "fingerprints; and";
- (b) after paragraph (c) **insert**—
 - "(d) be accompanied by—
 - (i) a statement setting out the name and address of any person who is a close associate of the applicant, verified by a statutory declaration; 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."

34. Application for renewal of a dealers licence

After section 72(4) of the **Firearms Act 1996**
insert—

- "(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, verified by a statutory declaration; and
 - (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,

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any known information about the close associate."

35. *Discretion of Chief Commissioner to refuse to renew dealers licence*

In section 73 of the **Firearms Act 1996**—

- (a) in paragraph (a), after "the applicant" **insert** ", any close associate of the applicant";
- (b) in paragraph (b)(i), after "the applicant," **insert** "all close associates of the applicant,".

36. *Insertion of new sections 75A and 75B*

After section 75 of the **Firearms Act 1996**
insert—

"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 sub-section (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
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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.

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."

37. Power to cancel dealers licence

In section 79(e) of the **Firearms Act 1996**—

- (a) in sub-paragraph (ii) for "business—" **substitute** "business; or";
- (b) after sub-paragraph (ii) **insert**—
"(iii) any close associate of the holder of the licence—".

38. Acquisition of handguns by dealers

- (1) In section 93(2) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".
- (2) In section 93(3)(a) of the **Firearms Act 1996**, after "category E longarm" **insert** "or a category E handgun".
- (3) In section 93(4)(g) of the **Firearms Act 1996**, for "a category C longarm or a handgun" (wherever occurring) **substitute** "a category C longarm or a general category handgun".

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39. *Disposal of handguns by dealers*

- (1) In section 94(2) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".
- (2) In section 94(3)(a) of the **Firearms Act 1996**, after "a category E longarm" **insert** "or a category E handgun".
- (3) In section 94(4)(f) of the **Firearms Act 1996**, for "a handgun" (wherever occurring) **substitute** "a general category handgun".

40. *Penalties for unauthorised acquisition of firearms*

- (1) In section 95(1) of the **Firearms Act 1996**, for "60 penalty units or 12 months imprisonment" **substitute** "120 penalty units or 2 years imprisonment".
 - (2) In section 95(2) of the **Firearms Act 1996**—
 - (a) **omit** "or a handgun";
 - (b) for "120 penalty units or 2 years imprisonment" **substitute** "240 penalty units or 4 years imprisonment".
 - (3) After section 95(2) of the **Firearms Act 1996** **insert**—

"(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.

Penalty: 600 penalty units or 5 years imprisonment."
 - (4) In section 95(3) of the **Firearms Act 1996**, for "240 penalty units or 4 years imprisonment"
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substitute "600 penalty units or 7 years imprisonment".

- (5) After section 95(3) of the **Firearms Act 1996** **insert**—

"(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."

41. Penalties for unauthorised disposal of firearms

- (1) In section 96(1) of the **Firearms Act 1996**, for "60 penalty units or 12 months imprisonment" **substitute** "120 penalty units or 2 years imprisonment".

- (2) In section 96(2) of the **Firearms Act 1996**—

(a) **omit** "or a handgun";

(b) for "120 penalty units or 2 years imprisonment" **substitute** "240 penalty units or 4 years imprisonment".

- (3) After section 96(2) of the **Firearms Act 1996** **insert**—

"(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.

Penalty: 600 penalty units or 5 years imprisonment."

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(4) In section 96(3) of the **Firearms Act 1996**, for "240 penalty units or 4 years imprisonment" **substitute** "600 penalty units or 7 years imprisonment".

(5) After section 96(3) of the **Firearms Act 1996** **insert**—

"(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.

Penalty: 1200 penalty units or 10 years imprisonment."

42. Acquisition of handguns from outside the State

(1) In section 99(2) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".

(2) In section 99(3) of the **Firearms Act 1996**, after "category E longarm" **insert** "or a category E handgun".

43. Disposal of handguns to a place outside the State

(1) In section 100(2) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".

(2) In section 100(3) of the **Firearms Act 1996**, after "category E longarm" **insert** "or a category E handgun".

44. Insertion of new sections 101A and 101B

After section 101 of the **Firearms Act 1996**
insert—

"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) Sub-section (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 sub-section (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

- (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

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(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."

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45. Acquisition of handguns without a permit

- (1) In section 102(2) of the **Firearms Act 1996**, omit "or a handgun".
- (2) After section 102(2) of the **Firearms Act 1996** insert—
 - "(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) After section 102(3) of the **Firearms Act 1996** insert—
 - "(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) In section 102(4) of the **Firearms Act 1996**, for "(2) and (3)" substitute "(2), (2A), (3) and (3A)".
- (5) In section 102(6) of the **Firearms Act 1996**, omit "or a handgun" (wherever occurring).
- (6) After section 102(6) of the **Firearms Act 1996** insert—
 - "(7) Sub-section (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

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(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."

46. *Discretion of Chief Commissioner to refuse to issue permit to acquire for handguns*

(1) In section 104(1)(d) of the **Firearms Act 1996**—

(a) in sub-paragraph (ii), for "a handgun" (wherever occurring) **substitute** "a general category handgun";

(b) after sub-paragraph (ii) **insert**—

"(ia) 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";

(c) for "pump action shotgun." (where secondly occurring) **substitute** "pump action shotgun; or".

(2) At the end of section 104(1) of the **Firearms Act 1996** **insert**—

"(e) in the case of an application for a permit to acquire a handgun by a person who has held a general category handgun licence for the reason of target shooting for a period of 6 months or less, for any general category handgun other than—

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- (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
- (f) in the case of an application for a permit to acquire a handgun by a person who holds a general category handgun licence for the reason of target shooting—
- (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
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- (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."
- (3) In section 104(2) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".

47. Insertion of new sections 119A and 119B

After section 119 of the **Firearms Act 1996**
insert—

"119A. Power of Chief Commissioner to require firearm to have a serial number

- (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 sub-section (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.

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
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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 sub-section (1) must be made within 28 days of the giving of the notice.
- (3) On receiving an application under sub-section (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 sub-section (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."

48. *Production of firearm for inspection*

In section 120 of the **Firearms Act 1996**, after "at any reasonable time" **insert** "and at any reasonably convenient place".

49. *Storage of handguns*

- (1) In section 121(2) of the **Firearms Act 1996**, after "handgun licence" **insert** "for a general category handgun".
- (2) In section 121(2A) of the **Firearms Act 1996**, after "handgun licence" **insert** "for a general category handgun".
- (3) In section 121(3) of the **Firearms Act 1996**, after "a firearm" **insert** "under a handgun licence for a category E handgun or".

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- (4) In section 121(3A) of the **Firearms Act 1996**, after "cartridge ammunition" (where first occurring) **insert** "under a handgun licence for a category E handgun or".

50. Insertion of new section 121A

After section 121 of the **Firearms Act 1996** **insert**—

"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—
- (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(2)(b) or the condition set out in section 16(2)(c) because the holder—
 - (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
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- (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(2)(b) or the condition set out in section 16(2)(c) because the holder—
- (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.
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- (9) The holder of the permit must comply with the permit.

Penalty: 60 penalty units."

51. *Storage of firearms under collectors licences*

- (1) In section 122(1) of the **Firearms Act 1996**, for "(other than a Category E firearm)" **substitute** "(that is not a category E handgun or a category E longarm)".
- (2) In section 122(2) of the **Firearms Act 1996**, for "a category E firearm" **substitute** "a category E handgun or a category E longarm".

52. *Storage of handguns under a dealers licence*

- (1) In section 123(2) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".
- (2) In section 123(3) of the **Firearms Act 1996**, after "category E longarm" **insert** "or a category E handgun".

53. *Insertion of new Part 6A*

After Part 6 of the **Firearms Act 1996** insert—

'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
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(b) a body incorporated under the
Associations Incorporation Act 1981.

(2) The Chief Commissioner must not approve a person or body under sub-section (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.

(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

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- (d) available to be produced to or inspected by a member of the police force at any reasonable time.

123C. *Approved handgun target shooting clubs—Annual reports*

- (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—
 - (a) a list giving details of all the approved handgun target shooting matches 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
 - (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—
 - (iii) each approved handgun target shooting match conducted by the club that that member competed in and details of each handgun used by that member at each such match; and
 - (iv) each approved handgun target shooting match conducted by any other approved handgun target shooting club that that member

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competed in and details of each handgun used by that member at each such match.

- (2) A report under sub-section (1) must be—
- (a) in writing; and
 - (b) in the form approved by the Chief Commissioner.
- (3) In this section "**competed**" has the same meaning as in section 16.

123D. *Approved handgun target shooting clubs—Requirements as to members*

- (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 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

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- (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.
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- (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.
- (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 sub-section (3).

**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

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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.

**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***

- (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
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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.
- (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*

- (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**.

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- (2) The Chief Commissioner must not approve a person or body under sub-section (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*

- (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*

- (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
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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***

- (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
 - (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

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Chief Commissioner of the reasons for cancelling or suspending that membership.

**123L. *Approved firearms collectors clubs—
Requirements as to members***

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 admit a person as a 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
 - (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 application, the applicant—
 - (A) has had a membership of; or
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- (B) has had a membership of cancelled or suspended; or
- (C) has been refused membership of.

Division 3—General provisions applying to approvals under this Part

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.

123N. *Requirement to nominate officers*

- (1) In an application for an approval under 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

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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*

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*

- (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*

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*

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.

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.

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.

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*

- (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 sub-section (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 sub-section (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*

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.!

54. *Insertion of new section 124AA*

Before section 124 of the **Firearms Act 1996**
insert—

"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 sub-section (1)—
- (a) is liable to the same penalty as that which the person would be subject to; and

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(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."

55. Possession of cartridge ammunition

In section 124(1)(a) of the **Firearms Act 1996**, after "under this Act" **insert** "or a permit under section 58A".

56. Safekeeping of handguns while being carried or used

(1) In section 126(2) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".

(2) In section 126(3) of the **Firearms Act 1996**, after "category E longarm" **insert** "or a category E handgun".

57. Access to and carriage or use of handgun by person other than possessor

(1) In section 127(2) of the **Firearms Act 1996**, omit "or a handgun".

(2) After section 127(2) of the **Firearms Act 1996** **insert**—

"(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."

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58. Insertion of new section 127A

After section 127 of the **Firearms Act 1996**
insert—

**"127A. Offence to use firearms held under a
firearms collectors licence**

- (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."

59. Increase of penalty

In section 134(3) of the **Firearms Act 1996**, for "240 penalty units or 4 years imprisonment" **substitute** "600 penalty units or 7 years imprisonment".

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60. *Insertion of new sections 134A, 134B and 134C*

After section 134 of the **Firearms Act 1996**
insert—

"134A. *Requirement to obtain consent of Chief Commissioner to certain alterations of firearms*

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.

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.

134C. *Offence to possess a firearm that has been altered in a particular way*

A person must not possess a firearm on which the serial number has been defaced or altered, if the defacing or altering of the serial number is not in accordance with this Act.

Penalty: 240 penalty units or 4 years imprisonment."

61. *Offence to own firearm without a licence to possess*

- (1) In section 135(2) of the **Firearms Act 1996**, for "a handgun" **substitute** "a general category handgun".
-

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- (2) In section 135(3) of the **Firearms Act 1996**, after "category E longarm" **insert** "or a category E handgun".

62. False or misleading information

- (1) **Insert** the following heading to section 140A of the **Firearms Act 1996**—

"Making false or misleading statements or using false or misleading information".

- (2) In section 140A of the **Firearms Act 1996**, for "60 penalty units or 12 months imprisonment" **substitute** "240 penalty units or 4 years imprisonment".

- (3) At the end of section 140A of the **Firearms Act 1996** **insert**—

"(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."

63. Restrictions on delegation powers of the Chief Commissioner

In section 176 of the **Firearms Act 1996**, for "except this power of delegation" **substitute** "except 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);
- (c) the power of the Chief Commissioner to cancel a general category handgun licence for the reason set out in section 49(1)(fa)".

64. Insertion of new section 176A

After section 176 of the **Firearms Act 1996**
insert—

"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."

65. Disclosure of information

At the end of section 181 of the **Firearms Act 1996** **insert—**

- "(2) Despite sub-section (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;
 - (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;
-

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- (d) any firearms licence held by the applicant that has been cancelled in the 5 years immediately preceding the application;
- (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."

66. Insertion of new section 181A

After section 181 of the **Firearms Act 1996**
insert—

"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
 - (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.
- (2) The Chief Commissioner does not commit an offence under section 181 when acting under this section."

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67. Immunity from liability

- (1) In section 183(1) of the **Firearms Act 1996**—
 - (a) for "registered medical practitioner, registered psychologist or registered nurse" **substitute** "health professional";
 - (b) for "reasonably believes" **substitute** "believes";
 - (c) for "the practitioner, psychologist or nurse is not subject to any civil or criminal liability for informing the Chief Commissioner of his or her reasonable belief" **substitute** "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".
- (2) In section 183(2) of the **Firearms Act 1996**—
 - (a) after "approved club" **insert** "or approved handgun target shooting club";
 - (b) for "reasonably believes" **substitute** "believes";
 - (c) for "the officer is not subject to any civil or criminal liability for informing the Chief Commissioner of his or her reasonable belief" **substitute** "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".
- (3) At the end of section 183 of the **Firearms Act 1996 insert**—
 - (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.

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- (4) In this section "**health professional**" means any one of the following—
- (a) a registered medical practitioner;
 - (b) a registered psychologist;
 - (c) a registered nurse;
 - (d) a prescribed class of social worker;
 - (e) a prescribed class of professional counsellor.

68. Interstate handgun licence holders

In section 187(2) of the **Firearms Act 1996**—

- (a) in paragraph (a), for "a handgun licence" **substitute** "a handgun licence for general category handguns";
- (b) in paragraph (c), for "a handgun licence" **substitute** "a handgun licence for general category handguns".

69. Indictable offences

In section 189A of the **Firearms Act 1996**—

- (a) after "5(1)" **insert** ", (1A)";
- (b) for "6(5)" **substitute** "6(3), (4), (5) and (6), 6A(1), (2) and (3), 7(1), (2), (3), (4), (5) and (6), 7A(1) and (6), 7B(1) and (2), 7C";
- (c) for "95(3)," **substitute** "95(2), (2A), (3) and (4)";
- (d) for "96(3)," **substitute** "96(2), (2A), (3) and (4)";
- (e) after "100(3)," **insert** "101A(1), 101B(2) and (3),";
- (f) for "102(3)," **substitute** "102(2A), (3) and (3A),";

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- (g) for "127(3)," **substitute** "127(2A) and (3), 127A(1),";
- (h) after "134(1), (2) and (3)," **insert** "134C,";
- (i) for "and 138" **substitute** ", 138 and 140A(2)".

70. *Supreme Court—Limitation of jurisdiction*

At the end of section 190 of the **Firearms Act 1996** **insert**—

- "(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**."

71. *Regulation making powers*

In section 191(1) of the **Firearms Act 1996**, after paragraph (c) **insert**—

- "(ca) classes of firearms that fall within the definition of category E handguns;"

72. *Insertion of new sections 200A to 200D*

After section 200 of the **Firearms Act 1996** **insert**—

"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.

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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.

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*

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

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licence issued under section 21, as in force on and from the commencement of section 16 of that Act."

73. Special conditions for handgun licences

- (1) In clause 3 of Schedule 2 to the **Firearms Act 1996**—
 - (a) **Insert** the following heading to the clause—
"Handgun licences for general category handguns";
 - (b) in sub-clause (1), for "a handgun" **substitute** "a general category handgun";
 - (c) in sub-clause (2)(a), after "handgun licence" **insert** "for general category handguns".
 - (2) In clause 4 of Schedule 2 to the **Firearms Act 1996**—
 - (a) in sub-clause (1)(c), for "a handgun" (where first occurring) **substitute** "a general category handgun";
 - (b) in sub-clause (2), for "a handgun" **substitute** "a general category handgun".
 - (3) In clause 5 of Schedule 2 to the **Firearms Act 1996**—
 - (a) in sub-clause (9), after "Any" **insert** "handgun or";
 - (b) in sub-clause (10), after "Any" **insert** "handgun or".
-

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74. *Persons exempt from the requirement to hold a handgun licence for general category handguns*

In Schedule 3 to the **Firearms Act 1996**—

(a) after item 3 **insert**—

"

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.

".

(b) for Column 1 of item 4 **substitute**—

"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—

- (a) by or under the immediate supervision of the holder of a general category handgun licence; and
- (b) for the purposes of obtaining a general category handgun licence for the reason set out in section 15(1)(a) or (c)—

and who has not received any such instruction on more than two previous occasions.";

(c) in Column 2 of item 4, for "a hand gun" **substitute** "a general category handgun";

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(d) for Column 1 of item 5A **substitute**—

"A person who is of or over the age of 12 years and under the age of 18 years—

(a) who is receiving instruction in the use of a general category handgun by or under the immediate supervision of a person—

(i) who is the holder of a general category handgun licence; and

(ii) who has written consent to give the instruction from a parent or guardian of the person who is receiving the instruction; and

(b) who has not received any such instruction on more than two previous occasions; and

(c) who has the written consent of his or her parent or guardian to receive the instruction."

(e) in Column 2 of item 5A, for "a handgun" **substitute** "a general category handgun";

(f) in Column 1 of item 12, for "a handgun" **substitute** "a general category handgun".

75. Storage requirements for general category handguns

(1) **Insert** the following heading to clause 2 of Schedule 4 to the **Firearms Act 1996**—

"Longarm licences for category C or category D longarms and handgun licences for general category handguns".

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(2) After clause 2(2) of Schedule 4 of the **Firearms Act 1996 insert—**

"(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) For clause 3(2) of Schedule 4 to the **Firearms Act 1996 substitute—**

"(2) If more than 5 firearms are stored on the premises where the firearm is stored, the premises must be fitted with a monitored alarm system of a class approved by the Chief Commissioner."

(4) After clause 3(2) of Schedule 4 to the **Firearms Act 1996 insert—**

"(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."

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Part 3—Amendments to the Magistrates' Court Act 1989

**PART 3—AMENDMENTS TO THE MAGISTRATES' COURT
ACT 1989**

**76. Amendments to Schedule 4 to the Magistrates' Court
Act 1989**

See:
Act No.
51/1989.
Reprint No. 8
as at
24 April 2002
and
amending
Act Nos
2/2001, 2/2002,
23/2002,
26/2002,
27/2002,
35/2002,
37/2002 and
47/2002.
LawToday:
www.dms.
dpc.vic.
gpc.au

In Schedule 4 to the **Magistrates' Court Act 1989**—

(a) in item 49B for "section 6(5)" **substitute**
"section 6(3), (4), (5) and (6)";

(b) after item 49B **insert**—

**"49BA. Offence to possess, carry or use an
unregistered longarm**

Offences under section 6A(1), (2) and (3) of the
Firearms Act 1996.

**49BB. Offence for non-prohibited person to possess,
carry or use a handgun without a licence**

Offences under section 7(1), (2), (3), (4), (5)
and (6) of the **Firearms Act 1996.**

**49BC. Offence for holder of general category
handgun licence to possess, carry or use
certain types of handguns under the licence**

Offences under section 7A(1) and (6) of the
Firearms Act 1996.

**49BD. Offence to possess, carry or use an
unregistered general category handgun**

Offences under section 7B(1) of the **Firearms
Act 1996.**".

(c) in item 49J for "section 95(3)" **substitute**
"section 95(2), (2A), (3) and (4)";

(d) in item 49K for "section 96(3)" **substitute**
"section 96(2), (2A), (3) and (4)";

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(e) after item 49M **insert**—

"49MA. Offence to finance the illegal acquisition or disposal of firearms

Offences under section 101B(2) and (3) of the **Firearms Act 1996.**";

(f) in item 49N for "section 102(3)" **substitute** "section 102(2A), (3) and (3A)";

(g) in item 49U for "section 127(3)" **substitute** "section 127(2A) and (3)";

(h) after item 49U **insert**—

"49UA. Offence to use firearm held under a firearms collectors licence

Offences under section 127A(1) of the **Firearms Act 1996.**";

(i) after item 49W **insert**—

"49WA. Offence to possess a firearm that has been altered in a particular way

Offences under section 134C of the **Firearms Act 1996.**";

(j) after item 49ZA **insert**—

"49ZB. Offence to make false or misleading statement or to use false or misleading information

Offences under section 140A(2) of the **Firearms Act 1996.**".

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Endnotes

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 27 February 2003

Legislative Council: 30 April 2003

The long title for the Bill for this Act was "to amend the **Firearms Act 1996**, the **Magistrates' Court Act 1989** and for other purposes."

Constitution Act 1975:

Section 85(5) statement:

Legislative Assembly: 27 February 2003

Legislative Council: 30 April 2003

Absolute majorities:

Legislative Assembly: 20 March 2003

Legislative Council: 2 May 2003