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## Firearms Legislation in Australia, April 1997

### Executive Summary

*This report examines the degree to which State and Territory Governments have complied with the 1996 Nationwide Agreement on Firearms. The report concludes that the core elements of the Agreement have been almost fully implemented and highlights areas where further legislative and administrative work is required.*

At the historic Special Meeting of the Australasian Police Ministers' Council (APMC) of 10 May 1996, all Australian Governments agreed to a 10-point plan for the regulation of firearms. Subsequent meetings on 17 July and 15 November 1996 further examined the issues. Among other things, the Nationwide Agreement on Firearms prohibited specific types of firearms; established firearms registration systems in all jurisdictions; established genuine reason and genuine need provisions for owning, possessing or using a firearm and developed uniform standards for the security and storage of firearms. The Nationwide Agreement was underpinned by a 12-month amnesty and buyback scheme, and a nationwide public education campaign. By the end of April 1997, more than 375 000 prohibited firearms had been surrendered and more than \$187 million paid in compensation to firearms owners and dealers.

The Commonwealth Government is committed to monitoring the implementation of the Nationwide Agreement. As part of that process, the Australian Institute of Criminology was asked to produce a detailed analysis of State and Territory legislation to determine the level of compliance with APMC resolutions. This summary report is based on a more extensive report, which has been produced by an Associate of the Australian Institute of Criminology, Professor Kate Warner, Faculty of Law, University of Tasmania.

This report outlines the level of compliance by State and Territory Governments with each resolution, and highlights areas where further administrative and legislative work is required. It should be noted that a number of jurisdictions are currently drafting Regulations to give effect to various aspects of the APMC resolutions. Furthermore, jurisdictions have used administrative mechanisms to implement

a number of resolutions, and these mechanisms have been noted in this report.

The report concludes that the core elements of the Agreement—the prohibition of certain firearms, the establishment of registration systems and the development of a 12-month amnesty and buyback scheme—have been almost fully implemented. The report also indicates that, in relation to other components of the Agreement, there are particular areas where further legislative and administrative work is required.

#### **Bans on specific types of firearms (resolution 1)**

All jurisdictions have banned the sale, resale, transfer, ownership, possession, manufacture and use of non-military and military style self-loading centre fire rifles, self-loading rim fire rifles, self-loading and pump-action shotguns.

#### **Nationwide registration of firearms (resolution 2)**

All jurisdictions require registration of all firearms. All jurisdictions have established links to the National Exchange of Police Information (NEPI) and to other State and Territory registration systems through legislative or administrative provisions. NEPI's National



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Firearms and Licensing Index will be available for use by jurisdictions by March 1998.

***Genuine reason and genuine need for owning a firearm (resolution 3)***

***3(a) Personal protection***

Personal protection is not regarded as a genuine reason to own, possess or use a firearm in any jurisdiction. This is explicitly stated in the legislation in all jurisdictions, with the exception of South Australia, Queensland and the Northern Territory.

***3(b) Genuine reason***

Not all jurisdictions have confined the genuine reasons for owning, possessing or using a firearm to those stipulated by the resolution or imposed the conditions stipulated in relation to particular reasons. The genuine reasons in paragraph (b) of the resolution are confined to participants in shooting sports recognised in the charters of such sporting events as the Olympic Games, Commonwealth Games and World Championships. In most jurisdictions this is defined broadly. In South Australia and Victoria, paintball shooting is a genuine reason for owning, possessing or using a firearm.

Recreational shooters are required by the resolution to produce proof of permission to shoot on rural land from a landowner. In New South Wales, membership of a hunting club is proof of permission. Tasmania, South Australia and Victoria allow recreational hunting if there is a hunting permit or licence from a government department.

***3(c) Genuine need***

The resolution requires that, over and above satisfaction of the "genuine reason" test, an applicant for a licence for the categories B, C, D and H must demonstrate a genuine need for the particular type of firearm. South Australia, Northern Territory and Victoria (unless the reason is occupational) do not, however, require a genuine need for a Category B firearm. South Australia does not require demonstration of a genuine need for a Category H firearm. In Victoria there is no requirement to establish a genuine need for a Category D firearm if the reason is official or commercial.

***3(c) Clay target shooting (as amended on 15/11/96)***

APMC resolved on 15 November 1996 to allow the use of Category C firearms for clay target shooting under limited circumstances.

Applicants for a licence had to be a member of the Australian Clay Target Association (ACTA) as at 15 November 1996. New applicants for a Category C firearm for the purposes of clay target shooting must be supported by an officer of an ACTA affiliated club and must indicate that they have a physical need requiring the use of a semi-automatic or pump-action shotgun in order to participate in such events.

Queensland and the Northern Territory have not specifically limited the Category C exemption to ACTA members. There are no physical need provisions in South Australia and Western Australia. South Australia will, however, be amending their legislation to give effect to this resolution.

***3(d) Firearms collectors***

The regulatory regime for firearms collections agreed by Police Ministers on 17 July 1996 has not been comprehensively adopted. In particular, the definition of a collector or a collection is wider in Queensland, Western Australia and the Northern Territory than the agreed definition. Category A and B firearms are not required to be rendered temporarily inoperable in the Northern Territory. There does not appear to be a special regime for the storage of collections in South Australia, Western Australia, Tasmania and the ACT and possession of ammunition is not expressly prohibited in Queensland, Tasmania, Victoria, Western Australia and the Northern Territory. No jurisdiction has limited the sale and transfer of Category C and D firearms held in a collection to bona fide collectors, and all jurisdictions allow sales to firearms dealers.

The failure in three jurisdictions to adopt the recommended definition of a collector creates a potential loophole for persons wishing to retain or obtain a semi-automatic firearm without having a legitimate genuine reason. This is particularly a potential problem in Western Australia where one weapon can constitute a collection, and Category D firearms in collections do not have to be rendered permanently inoperable. In Queensland and Western Australia, collectors do not have to be members of an approved club, nor is there a

prohibition on the possession of ammunition by collectors.

### *3(e) Ammunition Collectors*

Council agreed that jurisdictions would consider requiring ammunition collectors to have a licence or permit for purchase or possession of ammunition unless this requirement is already covered by an appropriate shooter's licence. Queensland, South Australia, Tasmania and the ACT have not enacted regimes for ammunition collectors.

### *3(f) Museums*

Jurisdictions have adopted different approaches to the regulation of museums. Tasmania and the Northern Territory provide for museum firearms licences. In Tasmania the holder of such a licence must comply with the same safe storage requirements as dealers, but in the Northern Territory no special storage provisions apply to holders of a museums firearms licence.

New South Wales, Queensland, Victoria, Western Australia, South Australia and the Australian Capital Territory provide exemptions for state museums but do not appear to have prescribed conditions for public museums. Privately owned museums in Queensland, ACT and South Australia are considered to be collectors and must meet the appropriate requirements.

### *3(g) Heirlooms*

All jurisdictions with the exception of South Australia and Western Australia have provisions for heirlooms firearms licences which substantially comply with the conditions agreed by Ministers on 17 July 1996. In Tasmania, firearms must be rendered incapable of firing. In South Australia and Western Australia, a collector's licence must be obtained to possess an heirloom firearm.

### **Basic licence requirements (resolution 4)**

All jurisdictions comply with the requirements for the issue of a licence, that is, being a fit and proper person, being able to prove identity, and undertaking adequate safety training. South Australian and Western Australian legislation does not specifically require that safety training is mandatory for first-time licence holders, although it is understood that such

requirements have been put in place through other means. Queensland does not appear to require a photograph on its licence and neither Queensland, Western Australia nor the Northern Territory require a reminder of safe storage responsibilities on the licence.

Whilst this resolution requires licence applicants to be aged 18 years or over, all jurisdictions allow access to firearms by minors through a licence or permit system. In New South Wales and Tasmania, people aged 12 years and over can obtain a permit under limited circumstances.

### *4(e) Licence Categories*

All jurisdictions have legislative provisions, which substantially comply with the agreed categories. However, Queensland has two additional categories: Category E (bullet proof vests and telescopic batons) and Category R (machine guns, sub-machine guns and firearms capable of firing 50 calibre cartridge ammunition). South Australia adds paintball firearms to Category A and has an additional category of prescribed firearms for which a licence may be obtained. Victoria also has a Category E (machine guns, cannons and bazookas).

### **Training as a pre-requisite for a licence (resolution 5)**

All jurisdictions require a course for first time applicants. There is no specific legislative provision for courses for persons employed in the security industry in South Australia, Tasmania, Victoria, Western Australia, the Australian Capital Territory or the Northern Territory.

### **Grounds for licence refusal or cancellation (resolution 6)**

Most jurisdictions have comprehensively addressed the agreed grounds for refusal and cancellation of licences. South Australia and Western Australia, however, fail to provide that a domestic violence order, violence restraint order or a conviction for assault with a weapon automatically results in refusal and revocation of a licence. Nor does a conviction for assault with a weapon/ aggravated assault result in automatic cancellation in Tasmania or the Northern Territory. The public interest is not specified as a ground in some jurisdictions and failure to notify change of address is not made a

ground of cancellation in Tasmania, Western Australia and the Northern Territory.

### ***Permits to acquire (resolution 7)***

All jurisdictions have implemented the requirement of a permit to acquire for each firearm, although Western Australia and the Northern Territory, while requiring a 28-day delay for a first firearm, provide for expedited approval in certain circumstances.

### ***Uniform standards for the security and storage of firearms (resolution 8)***

All jurisdictions, with the exception of Queensland, Western Australia and South Australia, have implemented the agreed minimum standards. Queensland does not require Category C firearms to comply with the higher standard applicable to D and H firearms and does not require separate storage of ammunition. Western Australia has different standards, which appear to be as stringent as the agreed minimum standards. South Australia does not require A and B firearms to be in a container if they are secured to the wall.

### ***Recording of sales (resolution 9)***

The Western Australian legislation does not appear to restrict firearms sales to licensed dealers while South Australia allows certain authorised officers of recognised firearms clubs to witness transfers. Queensland does not appear to have any provisions regulating the sale of ammunition and few jurisdictions have placed limits on the quantity of ammunition that may be purchased. South Australian regulations limit it to a reasonable amount for 12 months and in Tasmania the Police Commissioner determines the amount that may be purchased.

### ***Mail order control and transport (resolution 10)***

All jurisdictions, with the exception of Western Australia and Queensland have implemented the agreed requirements for mail order control and transport. In Western Australia, one must either obtain a permit or transport the firearm by licensed courier in order to send the firearm to another licensed firearms owner in that State. In Queensland, firearms must either be sent to the nearest police station or by licensed courier. No safety requirements are yet prescribed for

the movement of Category C, D and H firearms in South Australia, Western Australia or Victoria, and the Northern Territory merely provides that all firearms must be sent by registered post or commercial freight carrier. There are no provisions for the prohibition or regulation of commercial transport of firearms with ammunition in New South Wales, Queensland, Victoria, Western Australia, the ACT or the Northern Territory.

### ***Compensation/Incentive Issues***

All jurisdictions, with the exception of South Australia and the ACT, have established compensation and amnesty schemes, which will conclude on 30 September 1997. The South Australian compensation scheme concluded on 28 February 1997 and its amnesty will conclude on 30 June 1997. The ACT's compensation and amnesty scheme will conclude on 17 May 1997.

While all jurisdictions have established different offences and penalties, the penalties reflect the spirit of the resolution.

### ***Conclusion***

This report has identified a number of areas where the spirit and intent of the APMC resolutions have not been fully implemented. The most significant departures from the APMC resolutions include:

- the non-specification of the Category C exemption for clay target shooting in the Northern Territory and Queensland;
- the failure to implement a uniform regulatory regime for firearms collections; and
- the failure in South Australia and Western Australia to require automatic revocation or refusal of a licence where a person is the subject of a domestic violence order, violence restraint order, or conviction of assault with a weapon.

This report clearly demonstrates that both the framework and the detail of the Nationwide Agreement on Firearms have been implemented. The report has, however, outlined a number of areas where further legislative or administrative reform should be undertaken. The implementation of the Nationwide Agreement on Firearms is an historic achievement, which clearly demonstrates the benefits of cooperative federalism. The implementation of these resolutions will have a profound effect on the health, safety and welfare of all Australians.



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# Firearms Legislation in Australia

April 1997

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## DIRECTOR'S INTRODUCTION

At the historic Special Meeting of the Australasian Police Ministers' Council (APMC) of 10 May 1996, all Australian Governments agreed to a 10 point plan for the regulation of firearms. Amongst other things, the Nationwide Agreement on Firearms prohibited specific types of firearms; established firearms registration systems in all jurisdictions; established genuine reason and genuine need provisions for owning, possessing or using a firearm and developed uniform standards for the security and storage of firearms. The Nationwide Agreement was underpinned by a 12 month amnesty and buyback scheme, and a nationwide public education campaign.

The Commonwealth Government continues to monitor the implementation of the Nationwide Agreement. As part of that process, the Australian Institute of Criminology was asked to produce a detailed analysis of State and Territory legislation to determine the level of compliance with APMC resolutions. This report examines each resolution, and highlights areas where there appears to be divergence from the APMC resolutions.

This report was prepared by AIC Associate, Professor Kate Warner, of the Faculty of Law, University of Tasmania.

**The general finding is that the core elements of the Agreement have been almost fully implemented. Some minor administrative and legislative work is suggested, but it must be pointed out that this is a dynamic process and events can quickly overtake identified deficiencies.**

It should be noted that a number of jurisdictions are currently drafting Regulations to give effect to various aspects of the APMC resolutions. Furthermore, jurisdictions have used administrative mechanisms to implement a number of resolutions. These mechanisms are not noted in this report but have been addressed in a summary paper prepared by the Australian Institute of Criminology. This report should be read in conjunction with the summary report.

The following legislation has been used in preparing this review:

### New South Wales:

*Firearms Act* 1996 (NSW) (No 46) [assented to 28 June, and as amended by amendments in force as at 16 December, 1996]

*Firearms (General) Regulation* 1996 (Discussion Draft)

### Queensland:

*Weapons Act* 1990 [as amended by all amendments in force as at 15 January 1997]

*Weapons Regulation* 1996 [as in force on 15 January 1997] and as amended by the *Weapons Regulation* (No 1) 1997

South Australia:

*Firearms Act* 1977 [as amended by all amendments in force as at 9 September 1996]

*Firearms Regulations* 1993 [unofficial copy of 2 September 1996]

Tasmania:

*Firearms Act* 1996 (Tas) [assented to 30 August and commenced 13 November 1996]

*Firearms Regulations* 1996 [commenced 13 November 1996]

Victoria:

*Firearms Act* 1996 [assented to, but not yet proclaimed]

Western Australia

*Firearms Act* 1973 [as amended by all amendments in force as at 22 January 1997]

*Firearms Regulations* 1974 [as amended by all amendments in force as at 28 January 1997]

Australian Capital Territory

*Firearms Act* 1996

Northern Territory

*Firearms Bill* 1996

*Firearms Regulations* [draft dated 21 November, 1996]

This review of legislation deals with each of the resolutions of 10 May 1996 sequentially and after setting out the detail of a resolution, analyses the legislation of each of the jurisdictions in turn to determine the extent of compliance with that resolution. The resolutions of 17 July and 15 November 1996 are inserted into the text of 10 May resolutions at the most appropriate places.

A summary of Professor Warner's impressions of the failures to implement various aspects of the resolutions is provided at the end of the review. Some of the omissions may well be quite appropriately dealt with administratively without the need for legislation. An example is the requirement that the firearms registration databases be linked through the National Exchange of Police Information (see resolution 2).

Adam Graycar  
Director



**Resolution 1. BANS ON SPECIFIC TYPES OF FIREARMS**

Council resolved that:

(a) all jurisdictions ban the sale, resale, transfer, ownership, possession, manufacture and use of those guns banned or proposed to be banned from import other than in the following exceptional circumstances:

- military;
- police or other government purposes; and
- occupational categories of shooters who have been licensed for a specified purpose (eg extermination of feral animals).

(b) all jurisdictions ban competitive shooting involving those firearms banned or proposed to be banned from import.

At the meeting of 15 November this resolution was amended to allow the use of semi-automatic and pump action shotguns in clay target shooting competitions in accordance with international rules of clay target shooting, and under stringent conditions.

This resolution raises the question of what guns were banned or proposed to be banned by the Commonwealth. A paper prepared by the Attorney-General for the Australasian Police Minister's Council meeting of 10 May stated:

The Commonwealth has banned the importation of self loading military-style firearms or their equivalents as defined in the *Customs (Prohibited Imports) Regulations* as well as large capacity, centre-fire self loading rifles and large capacity pump action or self loading shotguns. The Commonwealth will now ban all other semi-automatic self loading and some pump action longarms, and all parts, including magazines, for such firearms. It is, of course legal in all jurisdictions to own and/or possess some of these firearms.

Perusal of the *Customs (Prohibited Imports) Regulations* reveals that it not possible to find a neat list of banned firearms. However r. 4F and Schedule 6 reveal imports of firearms and firearm parts are banned unless it is an item to which Part 2 of Schedule 6 applies and the importation satisfies the specified test of importation. There are four tests of importation and 20 items or firearm descriptions. In summary, firearms corresponding to those in Category A, B and C of resolution 4(e) can be imported if a statement from a State or Territory Police Commissioner is produced stating that the importer holds a licence to possess the firearm (test 4) or there is permission of the Commonwealth Attorney-General for import for the purpose of being used by a licensed shooter to control pest animals on rural land (test 3). Firearms can also be imported for specified purposes, such as film production and for official purposes.

For semi-automatic weapons corresponding to Category D weapons, the permission of the Commonwealth Attorney-General is required in accordance with test 3 or for the purpose of a State, Territory or the Commonwealth Government (test 1), or for the

purpose of making a film (test 2). The Schedule also provides for the import of a handgun that is not fully automatic or does not resemble a submachine gun, a machine pistol or a handgun with a fully automatic firing capacity if any one of the four tests of importation is satisfied.

### **New South Wales**

(a) The *Firearms Act* 1996, s. 3(2)(a) states an object of the Act is to prohibit the possession and use of all automatic and self loading rifles and shotguns except in special circumstances. The list of prohibited firearms is in Schedule 1. Its list of 18 items include all self loading rifles and self loading or pump action shotguns. These weapons are prohibited except for occupational purposes or official purposes in accordance with the agreed Licence Categories C and D (see resolution 4(e)).

(b) Section 9(2) expressly provides that subject to the regulations and except as provided by s. 17A (clay target shooting), a Category C or D licence does not authorise the possession and use of a prohibited firearm for the purposes of any shooting competition.

### **Queensland**

(a) The *Weapons Act* 1990, s. 4 states the object of preventing misuse of weapons is to be achieved by prohibiting the possession and use of all automatic and self loading rifles and shotguns except in special circumstances. The Act allows the possession and use of automatic and semi-automatic weapons only in the circumstances agreed in the resolution.

(b) Automatic and semi-automatic weapons are not permitted except for clay target shooting.

### **South Australia**

(a) The South Australian legislation requires a licence for all firearms except exempt firearms (*Firearms Regulations* 1993, r. 7). There are three classes of firearms: exempt, prescribed and other. Prescribed firearms include automatic firearms and various other firearms but semi-automatic firearms are not included (r. 8). But as semi-automatic weapons require a Class C or Class D licence, the resolution is satisfied.

(b) The Act does not specifically prohibit the use of prohibited firearms for competitive shooting, but it does not authorise the granting of Class C or D firearms for this purpose.

### **Tasmania**

(a) The *Firearms Act* 1996, s. 3 defines a prohibited firearm as a firearm described in Schedule 1. The list of nine items includes machine guns, submachine guns, self loading and centre fire rifles, self loading and pump action shotguns.

(b) Competitive shooting involving prohibited firearms is not expressly prohibited, but the Act does not allow a Class C or D licence for this purpose.

#### **Victoria**

(a) The scheme of the *Firearms Act* 1996 is to prohibit the possession, carrying or use of a firearm without a licence (s. 5- s. 7). Licences for Categories C, D and E longarms which entitle holders to use semi-automatic or automatic longarms are limited to primary production, professional hunting, official and commercial purposes.

(c) Except for clay target shooting, competitive shooting is not a permitted reason for a licence for a semi-automatic longarm.

#### **Western Australia**

(a) The *Firearms Act* 1973, s. 6 provides that the Governor may make regulations to prohibit the acquisition, sale, possession or use of any firearm. The *Firearms Regulations* 1974, r. 26 and r. 26A contain prohibitions.

(b) The only competitive shooting in which semi-automatic firearms are permitted is clay target shooting (see *Firearms Regulations* 1974, Schedule 3).

#### **Australian Capital Territory**

(a) The broad scheme of the legislation (the *Firearms Act* 1996) is very similar to that of New South Wales. The list of prohibited firearms in Schedule 1 is almost identical.

(b) Section 17(2) provides that subject to the regulations, a Category C or D licence does not authorise possession or use of a prohibited firearm for the purposes of a shooting competition.

#### **Northern Territory**

(a) Possession and use of a firearm is prohibited without a licence by the *Firearms Bill* 1996, cl. 58. Schedule 1 of the Act contains a list of prohibited firearms which includes self loading rimfire rifles and self loading shotguns.

(b) The legislation appears to allow semi-automatic firearms for "sports shooting" (see *Draft Firearms Regulations* 1996, r. 12).

## **Resolution 2. EFFECTIVE NATIONWIDE REGISTRATION OF ALL FIREARMS**

Council resolved:

(a) that New South Wales, Queensland and Tasmania immediately establish an integrated licence and firearms registration system and that all other jurisdictions review their existing registration systems to ensure that all systems are compatible.

(b) that these databases be linked through the National Exchange of Police Information (NEPI) to ensure effective nationwide registration of all firearms.

### **New South Wales**

The Registration Scheme is in Part 3 of the *Firearms Act* 1996. Section 33 requires the Commissioner of Police to maintain a Register of Firearms with particulars of each firearm and of the licence or permit of the person in respect of whom the firearm is registered. There is also a requirement in that the register be in a form that enables it to be linked to the NEPI scheme (s. 33(3)(a)) and to enable information in the Register to be accessed by other state and territory firearms authorities (s. 33(3)(b)).

### **Queensland**

The *Weapons Act* 1990 now by s. 49 requires the Commissioner to establish and maintain a register of all firearms in Queensland which contains details of the owner of each firearm and the licence authorising possession of it. The Act does not refer to the NEPI system. But, the Commissioner may make information available to "another entity, within or outside the State" if the Commissioner is satisfied that to do so would assist in advancing the object of the Act (see s. 49(3)).

### **South Australia**

The *Firearms Act* 1977, s. 27(1)(b) requires the Registrar to maintain a register of firearms. There are no requirements for linkages with the NEPI nor indications of its compatibility with systems in other states.

### **Tasmania**

Tasmania now has a system for the registration of all firearms in Part 4 of the *Firearms Act* 1996. Section 83 requires the Commissioner of Police to maintain a register of firearms containing particulars of the firearm, the name and address of the registrant and particulars of the licence and permit the registrant holds. Section 83 also requires that the register be in a form that enables it to be linked to the NEPI and enables approved authorities to access it.

### **Victoria**

Part 5 of the *Firearms Act* 1996 (Vic) provides for the registration of firearms containing particulars of the firearm and the person who possesses the firearm and

particulars of their licence. The Act does not refer to the NEPI system nor to access by other authorities.

### **Western Australia**

The *Firearms Act* 1973 contains no separate legislative requirements for registration. Instead licenses issued under s. 16, such as a firearm licence or collector's licence, name and identify the firearm in the licence. The *Firearms Regulations* 1974, r. 21(1) provides for a register of licences and r. 21(2) a register of all permits and approvals. There is no reference in the Act to the NEPI system nor to access by other authorities.

### **Australian Capital Territory**

The provisions for registration in the *Firearms Act* 1996 Part IV and for a register in s. 50 are similar to those in the New South Wales Act.

### **Northern Territory**

The *Firearms Bill* 1996 provides for registration in cl. 36. Clause 37 provides that the Commissioner registers a firearm by entering the particulars of the firearm and particulars relating to the person in whose name it is registered in the register.

Clause 7 provides for a register of all firearms licences and permits in a form that enables links to NEPI and enables access by other authorities.

<b>Resolution 3. GENUINE REASON AND GENUINE NEED FOR OWNING, POSSESSING OR USING A FIREARM</b>
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<p>(a) Personal protection. It was resolved that personal protection not be regarded as a genuine reason for owning, possessing or using a firearm. The action plan stipulated that this be confirmed by all jurisdictions.</p>
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### **New South Wales**

New South Wales has confirmed that personal protection is not a genuine reason for owning, possessing or using a firearms as specified in *Firearms Act* 1996 s. 12(2)(a). Paragraph (b) also excludes protection of property as a genuine reason other than as specified in the Table of genuine reasons eg, control or suppression of vertebrate pest animals by a primary producer.

### **Queensland**

The *Weapons Act* 1990 does not expressly provide that self protection is not a genuine reason for owning, using or possessing a firearm. Section 11(e) enables additional reasons to be prescribed by regulation, so personal protection could be prescribed.

### **South Australia**

South Australia does not expressly provide that personal protection is not a genuine reason nor is it in the list of purposes for which firearms may be used in the *Firearms Regulations* 1993, r. 12. As r. 12(1)(h) lists any other purpose approved by the Registrar, it is possible that personal protection could be a purpose so approved.

### **Tasmania**

Tasmania has confirmed that personal protection is not a genuine reason for owning, possessing or using a firearms as specified in *Firearms Act* 1996, s. 37(2)(a)

### **Victoria**

The *Firearms Act* 1996, s. 1(i) includes in the purposes of the Act the establishing of a system of licensing and regulating of firearms “which does not allow for self defence to be used as a reason for obtaining a licence to possess, carry or use a firearm”.

### **Western Australia**

Western Australia has confirmed that personal protection is not a genuine reason for owning, possessing or using a firearms as specified in *Firearms Act* 1973, s. 11A(5).

### **Australian Capital Territory**

The ACT has confirmed that personal protection is not a genuine reason for owning, possessing or using a firearms as specified in *Firearms Act* 1996, s. 23(2)(a).

## Northern Territory

The *Firearms Bill* 1996 does not expressly exclude self defence as a genuine reason but it is not listed in s. 11.

**Genuine reason:** Council resolved that the following classifications be used to define the “genuine reason” an applicant must show for owning, possessing or using a firearm:

- sporting shooters with valid membership of an approved club (defined as participants in shooting sports recognised in the charters of such major sporting events as the Commonwealth Games, Olympic Games or World Championships).
- recreational shooters who produce proof of permission from a landowner;
- persons with an occupational requirement, eg primary producers, other rural purposes, security employees and professional shooters for nominated purposes;
- bona fide collectors of lawful firearms; and
- persons having other limited purposes authorised by legislation or ministerial approval in writing, eg firearms used in film production.

## New South Wales

The genuine reasons for a licence listed in the *Firearms Act* 1996 s. 12(4) substantially comply with the resolution. Membership of an approved hunting club as a condition of licence for recreational shooters does not seem to have been contemplated by the resolution. The genuine reasons are:

- sport/target shooting [applicant must be a member of an approved club]
- recreational hunting/vermin control [applicant must be owners or occupiers of rural land or produce proof of permission to shoot on rural land, or be a member of an approved hunting club]
- primary production
- vertebrate pest animal control [includes (a) professional contract shooters, (b) persons employed in government agencies prescribed in the regulations and, as inserted by amendment (c) primary producers participating in authorised campaigns of eradication of large feral animals affected by brucellosis or tuberculosis]
- business or employment
- occupational requirements relating to rural purposes
- animal welfare
- firearms collection

The last dot point in the resolution “persons having other limited purposes” is dealt with by permit rather by licence (see s. 28(c) which specifically includes “film or theatrical productions or other artistic purposes”).

## Queensland

The *Weapons Act* 1990, s. 10(2)(f) provides a licence may only be issued if a person has one of the reasons mentioned in s. 11 to possess the weapon or category of weapon. Section 11 lists the same five reasons as the resolution with the requirements for club membership and landowner's permission contained in ss. 13(2) and (3). Section 11(e) refers to any other reasons prescribed by regulation. The *Weapons Regulation* 1996, cl. 4 prescribes the following additional genuine reasons: a military re-enactment or historical demonstration, the starting of sporting events, and theatrical productions.

## South Australia

The *Firearms Act* 1977, s. 12(5) requires that the Registrar must not grant a firearms licence unless satisfied that the applicant intends to use the firearm for the purpose endorsed on the licence. This is a strong provision which seeks to ensure that the reason given is genuine. The purposes endorsed can only be those prescribed by regulation or approved by the Registrar pursuant to the Regulations (s. 13(2)). The *Firearms Regulations* 1993 prescribe the purposes in r. 12(21) where all of the agreed purposes are listed and paint-ball shooting is added (r. 12(2)(h)1)(d)). "Recognised firearms clubs" are defined in the *Firearms Act* 1977 ss. 26A. Regulation 12(1)(d) refers to such other purpose as is approved by the Registrar and r. 13 allows a person to use a prescribed firearm pursuant to a licence for the purpose of theatrical or cinematic productions or for such other purpose as is approved by the Registrar.

There is no requirement that recreational shooters produce proof of permission from a landowner.

## Tasmania

The *Firearms Act* 1996 complies with the form of the resolution by ss. 37 - 44. The genuine reasons are listed in s. 37(1)(a)-(h) with elaborations of the requirements of the reasons in ss. 38-44.

The eight categories of genuine reason are similar to those in the NSW legislation except that rather than a separate category for occupational requirements relating to other limited rural purposes, s. 37(1)(h) adds "show or exhibition". This is the only category that does not have a section elaborating on the requirements of the reason.

## Victoria

The reasons required for a licence in the *Firearms Act* 1996 substantially comply with the resolution although it is questionable whether paint-ball shooting is within its spirit.

Genuine reasons are:

- sport or target shooting (which includes paint-ball (s. 10(2)(a)(ii)(B)) if a member of an approved club or organisation (s. 10(1)(a) and s. 10(2)(a) and s. 15)



- hunting with permission of a landowner or a game licence (s. 10(1)(b) and s. 10(2)(b))
- primary production (s. 10(1)(c) and s. 10(2)(c) and see s. 11(a)(i) and (2)(a))
- occupation of security guard or prison guard (s. 10(1)(d) and s. 10(2)(d) and s. 15)
- an official or commercial purpose (s. 10(1)(d) and see s. 12(1)(a)(ii), s. 13(1)(a) and s. 15(1)(c))
- professional hunting (s. 11(1)(a)(ii) and see s. 12)
- firearms collection (s. 21(1)).

### Western Australia

The *Firearms Act* 1973, s. 11A(2) complies with the resolution except that it adds a rather broad reason in paragraph (b): use by the person as a member of an organisation approved under this paragraph, and the sports conducted by approved shooting clubs are not limited to the sports envisaged in the resolution.

### Australian Capital Territory

The *Firearms Act* 1996 complies with the resolution in s. 23(4). It has the same eight classes of genuine reason as New South Wales but adds “Composite Entity” to cover security organisations, approved clubs and appropriate government agencies.

### Northern Territory

The genuine reasons listed in the *Firearms Bill* 1996, cl. 11(2) together with the *Draft Firearms Regulations* 1996, r. 2 - r. 8 comply with the spirit of the resolution. Museum display in s. 11(2)(j) and inheritance in s. 11(2)(k) are included as reasons.

(c) **Genuine need:** Council resolved that over and above satisfaction of the “genuine reason” test, a “genuine need” must be established by an applicant for a category B, C, D or H licence.

Category C licences must be :

- for primary producers only;
- for whom there is a genuine need pertaining to that occupation which cannot be achieved by some other means and that the need cannot be satisfied by a firearm under Category A or B;
- limited to one rifle and one shotgun from Category C;
- must be approved by the Commissioner of Police who may impose conditions as to use

[uniform guidelines to be developed]

Multiple licences for large rural properties: At the 17 July meeting it was agreed that primary producers with very large rural properties should be permitted to apply for more than one licence for Category C firearms for use on that property or properties and that these licences may authorise employees to use the firearms only while working on the relevant property or properties.

Clay Target shooters: At the meeting of 15 November it was resolved that

(a) a restricted class of shooters be permitted access to certain Category C firearms under the following conditions:

- (i) the applicant must, as at 15 November 1996, possess a semi-automatic or pump action shotgun for use in clay target competition and be an existing member of a club affiliated with the Australian Clay Target Association; or
- (ii) in the case of a new applicant, the application must be supported in writing by an officer of an ACTA affiliated club, sufficient to satisfy the licensing authority that the applicant has a physical need (for reasons of lack of strength and dexterity) such as to require a semi-automatic or pump action shotgun in order to participate in clay target events;
- (iii) the applicant must take part in a minimum of four club competitions per year with cancellation of membership for failing to comply;
- (iv) the licence will only authorise the use of the firearm on an authorised shooting range.... with misuse subject to criminal penalties;
- (iv) the firearm, when not in use, be stored in a locked, steel safe or a thickness to ensure it is not easily penetrable, bolted to the structure of a building; and
- (v) these conditions must be explicitly stated in legislation or regulations and, in addition, ACTA rules must stipulate these minimum requirements and must require ACTA to notify licensing authorities of membership cancellation.

Access to Category D Firearms by Primary Producers

At the 17 July meeting it was agreed that a limited class of primary producers should have access to a Category D firearm for the purpose of culling large feral and Brucellosis and Tuberculosis Campaign (BTEC) animals. The following conditions will apply:

- (i) a licence may only be issued where there is a demonstrated need for a Category D firearm (eg, where a Government authority requires the undertaking of specific culling within the relevant area);
- (ii) licence applicants must meet accredited professional shooter's qualifications, including safety training requirements;
- (iii) a licence may only be issued for a nominated period in accordance with the demonstrated need, and this period must not exceed twelve months;

- (iv) the firearm must, upon expiry of the nominated period, be returned to the authorities or stored as approved;
- (v) use of the firearm will be limited to a prescribed geographical location - normally, this would be the licensee's property;
- (vi) only one Category D firearm may be issued to each applicant;
- (vii) the applicant must obtain approval from the Civil Aviation Safety Authority in order to shoot from a helicopter;
- (viii) a licence applicant must show that no other means of dealing with the problem (including the use of a different category firearm, or the contracting of a professional shooter) is practicable; and
- (ix) ground culling will only be allowed where airborne culling is not practicable.

### New South Wales

A genuine need is required for each of the licence categories in accordance with the resolution.

Category B - *Firearms Act* 1996 s. 13 requires "special need" for a Category B licence in addition to a "genuine reason". Special need is a matter of the Commissioner's discretion but the regulations may specify the sort of evidence that may be produced (s. 17). At this stage, the Regulations do not appear to do so.

Category C - Special need and a genuine reason is required (s. 14(a) and (b)). Moreover, in addition to the genuine reason of primary production, s. 14(a) envisages other genuine reasons being prescribed by the regulations. The limit of one rifle and one shotgun is in s. 8(1), see category C.

#### Clay target shooters:

Section 17A complies with the resolution of 15 November except misuse does not appear to be the subject of penalties. The relevant provisions implementing the resolution are as follows:

- (i) Section 17A(3)
- (ii) Section 17A(4)
- (iii) Section 17A(6) number of competitions not specified, to be prescribed by regulation.
- (iv) Section 17A(2)(b). There appear to be no penalties for misuse.
- (v) Section 17A(7) and s. 41

Category D - Special need and the genuine reason of vertebrate pest animal control is required by s. 15.

Access to Category D firearms by primary producers:

This is provided for, with most of the agreed conditions:

- (i) Section 15(c)
- (ii) -
- (iii) Section 21(2)
- (iv) Section 20A(a)
- (v) Section 8(1), see category D
- (vi) Section 8(1), see category D
- (vii) -
- (viii) Section 15(c)
- (ix) Section 20A(b)

Category H - The genuine reason must be sport/target shooting; business or employment or firearms collection and a special need to possess or use a pistol (s. 16). The Firearms (General) Regulation 1996, cl. 65(2) has provisions in relation to blank fire pistols.

**Queensland**

The scheme of the *Weapons Act* 1990 is not to require a genuine need for a licence for a particular category of weapon but, upon an application for a permit to acquire a category B, C, D or H weapon, to require a statement as to why the applicant needs the weapon and why the need cannot be satisfied in another way (s. 40(2)).

Category C licence - The provisions of the *Weapons Regulation* 1996 comply with the resolution of 10 May as amended by the later meetings. It is limited to primary producers or their employees ("business or employment on rural land") with a need for the stated firearm or firearms (cl. 20(1)). There is a limit of one category C rifle or one category C shotgun (cl. 20(2) unless there is a need for more because of the area or location of the land (cl. 20(3)).

Clay target shooters:

Clause 19(1) states that "a member of an approved shooting club that takes part in, or is affiliated with a body that takes part in, national and international clay target shooting competition...may apply for a firearms licence with an endorsement for Category C shotguns." As a result, this exemption is not specifically limited to ACTA members.

- (i) *Weapons Regulation* 1996, cl. 19(4)
- (ii) Clause 19(2) and (3)
- (iii) No requirement number specified
- (iv) Clause 19(5) but no penalty for misuse is specified.,
- (v) Storage requirements for Category C weapons in Queensland do not require storage in a steel container, solid timber is an option (see cl. 60(3)(b)(i)).

Category D licence - A person with an occupational need to cull large animals may apply for one category D firearm weapon (cl. 21).

Access by Category D firearms by primary producers:

There appear to be no provisions.

Category H - Need to acquire must be established by virtue of s. 40(2). The licence required by an applicant for a permit to acquire such a weapon would presumably be a "concealable firearms licence" (see s. 12(1)(d) and cl. 16 of the Regulation).

**South Australia**

No genuine need is required for a Category B or H firearm. The *Firearms Act* 1977 s. 15A(2) provides that, subject to the Act, the Registrar may only refuse a permit for such a firearm if the applicant does not have a genuine reason for acquiring the firearm or it is dangerous, easily converted to an automatic firearm or particularly suited for unlawful use because it can readily be concealed.

Category C - Permits to acquire are limited by s. 15A(3) to primary producers, clay target shooters, professional shooters or as prescribed by the Regulations. The *Firearms Regulations* 1993, r. 26 provides for the acquisition of class C firearms by collectors and the Royal Zoological Society of South Australia. The conditions relating to primary production are implemented by the requirements for a permit to acquire a Class C Firearm in s. 15A(3)(a).

Clay target shooters

The conditions relating to clay target shooters in s. 15A(3)(b) are less stringent than those in the resolution of 15 November 1996. All that is required is that the applicant be a member of a club affiliated with the South Australian Clay Target Association or the national association and that the Registrar is satisfied that the applicant needs the firearm for the purpose of an activity of the club conducted in accordance with national rules and in accordance with the regulations under this Act.

Category D - The requirement for genuine need for a class D firearm is contained in s. 15A(4) and is limited to professional shooters. At this stage no provision has been made for access to class D firearms by primary producers.

**Tasmania**

Category B - Section 30 requires evidence of a need as well as a genuine reason for a firearm in this category.

Category C - Section 31 allows the issue of this category of licence to firearms collectors as well as primary producers. But the conditions applicable to collectors in s. 47 apply. Primary producers must establish a genuine need which is not met by a Category A or B licence (s. 31(1)(b)). The limit to one rifle and one shotgun is found in s. 16(2). For collectors, the conditions applicable to collectors in s. 47 apply.

Clay target shooters:

In the absence of express provisions they can apply for an exemption under s.155.

Category D - Category D licences are limited by s. 32 to applicants whose genuine reason is animal population control or firearms collection. If the genuine reason is animal population control, a need to possess a category D firearm must be established. Section 41 restricts applicants whose genuine reason is animal population control to professional hunters and persons employed by a prescribed government agency. It follows that there is no provision for access to category D weapons by primary producers.

Category H - Section 33 requires a genuine need to possess a category H firearms licence as well as a genuine reason of sport or target shooting, business or employment or firearms collection.

**Victoria**

Category B - The *Firearms Act* 1996 does not require demonstration of a genuine need for such a licence in addition to a genuine reason unless the reason is occupation of security or prison guard in which case evidence must be produced that the duties performed are such as to require the carriage or use of a category A or B longarm (s. 10(2)(d)(ii)).

Category C - Category C licences are not limited to primary producers and clay target shooters but also apply to professional hunting and to official and commercial purposes. Section 11(1)(c) requires proof of a genuine need which cannot be satisfied by a category A or B firearm or other means. Category C licences are limited to one rifle and one shotgun (s. 9(3)). Lessees, managers and employees engaged in primary production can also apply for a licence (s. 11(2)(a)) covering the situation of very large rural properties where more than one licence may be needed.

Clay target shooters:

The conditions on category C licenses for clay target shooting have been included in the legislation :

- (i) Section 11(2)(c)(iii)(B)
- (ii) Section 11(2)(c)(iii)(A)
- (iii) Schedule 2 cl. 2(2)(b)
- (iv) Section 11(2)(c)(ii) and Schedule 2 cl. 2(2)(c) [note that no penalty is specified].
- (v) Section 121(2)

Category D - Professional hunters are required to establish a need for a Category D firearm by s. 12(1)(b) but those with an official or commercial purpose do not have to. There is no provision for access to Category D firearms by primary producers.

## Western Australia

The *Firearms Act* 1973, s. 11B provides that the regulations may provide that, for prescribed categories of firearms, a licence cannot be issued unless the Commissioner is satisfied that the person has a genuine need to acquire or possess a firearm of that category. The *Firearms Regulations* 1974 have by r. 6A and Schedule 3 prescribed genuine need tests for particular categories of firearms.

Category B - Schedule 3 requires that an applicant for a category B firearm must satisfy the commissioner that a firearm of category A would be inadequate.

Category C - Category C firearms are limited to primary producers, clay target shooters, professional hunters, firearms collectors and official purposes and for each there is a genuine need test in Schedule 3. There do not appear to be limits on the numbers of rifles or shotguns for primary producers. Provision for multiple licences for very large rural properties is made (see the restrictions for Category C in Schedule 3 item (2)).

### Clay target shooters:

The restrictions for Category C in Schedule 3, item 1 require membership of the ACTA or an affiliated club and they must by virtue of s. 11A(2)(a) be an active member but the requirements of physical need for new applicants are not included.

Category D - There is a genuine need test for this category in Schedule 3. There is no provision for primary producers to have access to these weapons.

Category H - There is a genuine need test in Schedule 3 and a Category H weapon (H1 handguns) can only be issued for participating in club shooting (excluding hunting) or if there is an occupational or official requirement.

## Australian Capital Territory

The provisions in the *Firearms Act* 1996 comply with the resolution of 10 May. The special need provisions as to Category B licences (s. 24), Category Licences C (s. 25) and Category H (s. 27) are the same as the New South Wales provisions. The authority conferred by a Category C licence is limited to one rifle and one shotgun by s. 17 and Schedule 2. Category D restrictions (s. 26) state that the Registrar shall not issue a category D licence to any person except in accordance with the written authority of the Minister. There are no provisions in the Act for category C licences for clay target shooters nor for access to category D firearms by primary producers. However the former could be provided for by regulation (see s. 25(a)) and the latter by written authority of the Minister (see s. 26(1)).

## Northern Territory

The *Firearms Bill* 1996 cl. 11(b) requires a genuine need for a Category C, D and H firearm but not for a category B firearm.

Category C - As well as for primary production, the *Draft Firearms Regulations* 1996 r. 12(a) allows a category C licence to be granted for sports shooting, animal welfare, and firearms collection. Evidence of genuine need is required (r. 12(b) and (c)). Allowing such weapons for sports shooting without the conditions relating to clay target shooting stipulated in the resolution of 15 November exceeds the concession made in the resolution. Nor do there appear to be limits placed on the number of Category C firearms that can be licensed to primary producers.

Category D - Category D firearms are restricted to applicants with a genuine reason of vertebrate pest animal control, primary production or firearms collection by r. 13(1). Evidence of genuine need is required by r. 13(2).

Access to Category D firearms by primary producers:

Regulation 13 allows access to licences for category D firearms by primary producers to cull large feral animals. The legislative provisions reflecting the points of the resolution are:

- (i) *Draft Firearm Regulations* 1996, r. 13(2)
- (ii) There is no mention of professional shooters qualification
- (iii) Regulation 14(1)(a)(iii) - one year or a shorter period
- (iv) Regulation 18(c)
- (v) Regulation 18(a)
- (vi) There appears to be no restriction to one firearm
- (vii) Regulation 18(b)
- (viii) Regulation 13(2)
- (ix) Regulation 18(c)

**Collectors:** On 17 July 1996 it was agreed to replace the regulatory scheme for collectors agreed on 10 May with the following:

- (i) collectors must be bona fide collectors with a collection of obvious and significant commemorative, historical, thematic or investment value;
- (ii) Category D firearms would only be permitted in the collection if rendered inoperable;
- (iii) all other firearms manufactured after 1900 held in a collection must be rendered temporarily inoperable although individual jurisdictions may require Category C firearms to be rendered permanently inoperable;
- (iv) sales or transfers of Category C and Category D firearms held in a collection will not be permitted except between bona fide collectors with approval of the appropriate authority and through the agency of a registered dealer;
- (v) there will be prescribed standards for secure storage for firearms collections;
- (vi) in general, possession of ammunition by collectors will not be permitted unless an ammunition collector's licence or a separate licence permitting use of a firearm which takes that ammunition is held;



- (vii) a collector's licence will not permit the discharge of any collection firearm unless authorised by special permit in prescribed circumstances; and
- (viii) each jurisdiction will consider whether licensing and registration of collection firearms manufactured before 1900, for which ammunition is not commercially available, is necessary and whether it is necessary for collectors to be members of approved firearms collector's clubs or associations.

### New South Wales

The *Firearms Act* 1996 complies with the above resolutions in the following provisions:

- (i) the bona fide collector's requirement: contained in the genuine reason provision in the Table to s. 12.
- (ii) Category D weapons to be inoperable: s. 20(a); manner of rendering inoperable to be prescribed by regulations (yet to be prescribed).
- (iii) Post 1900 firearms to be temporarily inoperable: s. 20 (b).
- (iv) Sales: s. 20(c) and (d) must be to or from a licensed dealer or through such a dealer to a licensed collector.
- (v) Safe storage: s. 20(e).
- (vi) No ammunition: s. 9(3) as amended.
- (vii) No discharge: not expressly provided but is implied in the need for a permit to use (s. 28(f) as amended) and in the prohibition on ammunition.
- (viii) Pre-1900 firearms and membership of clubs: pre-1900 firearms would appear to be caught by the requirement for a collector's licence; collectors are required to be members of approved collector's clubs by the genuine reason provision in the table to s. 12 and *Firearms (General) Regulations* 1996 (Draft), r. 63.

### Queensland

Queensland legislation substantially complies with the resolution of 17 July, 1996 although there is no prohibition on the possession of ammunition:

- (i) *Weapons Act* 1990, s.5, contains a definition of collectors which, by including persons who collect weapons as curiosities or ornaments, is wider than the resolution.
- (ii) *Weapons Act* 1990, s. 77(2)(a)(i) applies to Category D and Category H weapons; (rendering inoperable, see *Weapons Regulation* 1996 r. 73).
- (iii) Section 77(2)(b); (temporarily inoperable, see s. 8).
- (iv) Sales are authorised by the Act through licensed dealers (s. 36) or at an approved arms fair (s. 79).
- (v) *Weapons Regulation* 1996, cl. 39- 43.
- (vi) Ammunition is not mentioned.

- (vii) Section 78.
- (viii) A licence is required for pre-1900 weapons but they do not have to be rendered inoperable. All firearms have to be recorded in a register (s. 81). There is no requirement that collectors be members of an approved club or association.

### South Australia

South Australia appears to comply with the resolution of 17 July 1996:

- (i) *Firearms Regulations* 1993, r. 12(5).
- (ii) Regulation 12(4).
- (iii) Regulation 19(8)(a)
- (iv) There are no special provisions for sales, they are governed by the general provisions as to sales in the *Firearms Act* 1977, s. 15B.
- (v) There are no special provisions for secure storage, again this is covered by the general provisions, see r. 29.
- (vi) Regulation 19(8)(c).
- (vii) Regulation 19(8)(e).
- (viii) Pre 1900 firearms: "antique firearms" are exempt: r. 7(a) (defined in r. 4 to cover certain kinds of pre-1900 firearms); Clubs: r. 19(8)(b).

### Tasmania

Does not appear to fully comply with the resolution of 17 July:

- (i) *Firearms Act* 1996, s. 44(1)(a) and (2)
- (ii) Section 47(1)(b) (see also r. 8)
- (iii) Section 47(1)(a)
- (iv) There are no special provisions for sales, these are governed by s. 24 and s.25.
- (v) No special storage provisions are prescribed, the general provisions in s.84 - s.86 apply.
- (vi) There is no express prohibition on the possession of ammunition.
- (vii) Section 47(1)(e).
- (viii) Pre-1900 require a licence; membership of an approved society is required by s. 44(b).

### Victoria

Victoria complies fairly comprehensively with the agreed regime for firearms collectors in the *Firearms Act* 1996:

- (i) Section 21(2)(b).
- (ii) Section 2214 and schedule 2 cl. 5(6).
- (iii) Schedule 2 cl. 5(7) applies to all firearms which are not category D irrespective of date.
- (iv) Schedule 2 cl. 5(9) and (10).
- (v) Schedule 4 cl. 3.
- (vi) Possession of ammunition is not expressly prohibited.

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- (vii) Discharge is not expressly prohibited but is impliedly prohibited. A collector is licensed to possess and carry (s. 21(1)). Firearms must be kept at the premises (Schedule 2 cl. 5(2)) and only carried for the purpose of acquisition, disposal or repair (Schedule 2 cl. 5(3)). Moreover, use requires a permit under s. 58.
- (viii) Licensing is required irrespective of the age of the firearm and collectors must be members of an approved club (s. 21(2)(a)).

#### Western Australia

Western Australia only partially complies with resolution of 17 July.

- (i) The *Firearms Act* 1973, s.15(1) provides that a firearm must be of significant "commemorative, historical, thematic, heirloom or sentimental value". Section 15(2) provides that one firearm can constitute a genuine firearm collection. Clearly, the WA legislation combines the categories of collector's and heirloom's firearms licences.
- (ii) -
- (iii) Firearms are to be rendered temporarily inoperable when stored: *Firearms Regulations* 1974, r. 11A(4).
- (iv) -
- (v) Apart from r. 11A(4), there are no special storage standards for collections.
- (vi) -
- (vii) Section 16(1)(b)
- (viii) Pre-1900 firearms would be covered; there are no provisions for club membership.

#### Australian Capital Territory

Apart from the requirement for prescribed standards for the storage of firearms collections, the ACT legislation complies with the resolution.

- (i) Section 28(b)
- (ii) Section 37(d)
- (iii) Section 37(a)
- (iv) Section 37(e)
- (v) There appear to be no special secure storage requirements for collections but the general requirements in Part V apply (s. 62- s. 64).
- (vi) Section 37(f)
- (vii) Section 37(g)
- (viii) Pre-1900 weapons would appear to be caught by the requirements for a licence and s. 28(a) requires an applicant for a collector's licence to be a member of an approved collectors' club or association.

#### Northern Territory

The Northern Territory only partially complies with the resolution of 17 July 1996:

- (i) Collectors are required by the *Draft Firearms Regulations* 1996 r. 9(b) to collect firearms for display as curiosities or ornaments or for their historic or artistic value or mechanical uniqueness. This is wider than the resolution.
- (ii) Regulation 19(a).
- (iii) Only category C firearms are to be rendered temporarily inoperable: Regulation 19(b)
- (iv) There are no special provisions for sale; the general provisions apply.
- (v) *Firearms Bill* 1996, s. 24(2), Regulation 25.
- (vi) There is no prohibition on the possession of ammunition.
- (vii) Section 25
- (viii) The Bill does not apply to a firearm manufactured before 1900 (cl. 4(1)(c); collectors must be a member of an approved club: r. 9(a).

**3 (e) Ammunition Collectors:** On 17 July Ministers agreed on the following regulatory regime for ammunition collectors:

- jurisdictions *will consider requiring* ammunition collectors to have a licence or permit for purchase or possession of that ammunition unless this is covered by an appropriate shooter's licence;
- purchase or sale will only be permitted between licensed collectors or collectors and firearms dealers;
- all ammunition in a collection must be rendered inert, except for sporting ammunition and military ammunition of UN Hazard classification code 1.4s up to 20 mm Calibre, and must not contain high explosive, smoke, chemical or lachrymatory agents;
- provision of secure storage facilities which comply with explosives regulations in each jurisdiction will be a condition for the issue of an ammunition collector's licence.

### New South Wales

New South Wales has included the above regulatory regime for ammunition collectors in the *Firearms (General) Regulation* 1996 (Draft), r. 35.

### Queensland

Queensland does not appear to have imposed licensing requirements for ammunition collectors.

### South Australia

The *Firearms Act* 1977 does not appear to have a licensing scheme for ammunition collection but the *Firearms Regulations* 1993 r. 32(2) prohibits possession of ammunition that includes high explosives or that is designed to kill, injure or incapacitate by means of smoke or chemicals. And r. (3) prohibits possession of military ammunition unless it has been rendered inert or is of a calibre less than 19.1 mm.

## Tasmania

Tasmania does not appear to have a regulatory regime for ammunition collectors.

## Victoria

In the *Firearms Act* 1996 Victoria has enacted a scheme for ammunition collectors which complies with the resolution:

- (i) Section 28
- (ii) Section 30 and Schedule 2 cl. 7(4)
- (iii) Schedule 2 cl. 7(3)
- (iv) Section 122(4) and Schedule 4 cl. 5.

## Western Australia

The *Firearms Act* 1973, s. 16(1)(h) provides for ammunition collector's licences and for the keeping of records by collectors in s. 31(2) and the *Firearms Regulation* 1974, r. 19A. Regulation 4A and r. 26 prohibit ammunition containing high explosives, smoke, chemical or lachrymatory agents and ammunition the missile from which has a calibre of 20 mm or more.

## Australian Capital Territory

The ACT does not appear to have a regime for the regulation of ammunition collectors.

## Northern Territory

The *Firearms Bill* 1996, cl. 69(2) prohibits the possession of ammunition unless the person is the holder of a firearms licence or is an ammunition collector authorised by the Commissioner in writing to possess the ammunition.

(f) **Museums:** It was agreed on 17 July that official and approved museums would be subject to prescribed conditions while non-approved or private museums should be subject to the same requirements as apply to private collections.

## New South Wales

The *Firearms Act* 1996, s. 6(2)(e) exempts employees of public museums from criminal responsibility under the Act. There appear to be no prescribed conditions for public museums.

## Queensland

The *Weapons Act* 1990, s. 2(j) provides that the Act does not apply to staff at Commonwealth or State museums. There appear to be no legislative provisions applying to firearms in such collections.

## South Australia

South Australia's legislation makes no special provision for museums. However the *Firearms Act* 1977, s. 5A provides that the Act does not apply to the Crown in the right of the State.

## Tasmania

The *Firearms Act* 1996 makes special provision in s. 20 for a firearms museum licence, while s. 87 requires the holder to comply with the same safe storage requirements as firearms dealers.

## Victoria

The *Firearms Act* 1996, s. 184 provides that an exemption may be granted for approved museums.

## Western Australia

The *Firearms Regulations* 1974 exempt the Western Australian Museum from the prohibition of possession, use etc of certain firearms.

## Australian Capital Territory

The *Firearms Act* 1996 provides by s. 6(1)(c) and (d) that the Act does not apply to the Australian War Memorial or the National Museum of Australia. There appear to be no prescribed conditions applying to the keeping of firearms in these museums.

## Northern Territory

The *Firearms Bill* 1996, cl. 29 provides for museum firearms licences and museum display is a genuine reason for a licence (cl. 11(2)(j)). There are no special provisions for safe storage for the holders of such licences. Clause 4(2) provides that firearms in approved museums are to be securely stored and that provisions of the Act do not apply to the governing body of such a museum.

**(g) Heirlooms Firearms Licence:** It was agreed on 17 July that a very limited special category of licence may be considered for owners of heirloom firearms who are unable to establish a "genuine reason" for continued possession of such a firearm or who do not qualify for a collector's licence. Owners of heirloom firearms must provide proof of inheritance and have them rendered permanently inoperable. This license will only apply to a single firearm or to a matched pair or set, and will not permit the discharge of the heirloom firearm(s) in any circumstance.

## New South Wales

New South Wales has provided for permits for possession of heirloom firearms with the agreed conditions in the *Firearms (General) Regulation* 1996, r. 27.

### **Queensland**

The *Weapons Act* 1990, s. 12 makes provision for a collector's licence (heirloom). All the restrictions resolved upon apply: see s. 76.

### **South Australia**

The South Australian legislation does not appear to have made provision for heirlooms firearms licences.

### **Tasmania**

Tasmania has provided for firearms heirlooms licences in the *Firearms Act* 1996, s. 21, for either a single firearm, a matched pair or a set. Proof of inheritance is required by s. 34, but there appears to be no requirement to render the firearm inoperable.

### **Victoria**

Victoria provides for heirlooms licences with the agreed conditions: *Firearms Act* 1996 s. 25 and Schedule 2 cl. 6.

### **Western Australia**

Rather than having a special category for heirlooms firearms licences, they are included within a collector's licence - see *Firearms Act* 1973, s. 16(1)(b).

### **Australian Capital Territory**

The *Firearms Act* 1996, s. 29 complies with the resolution with respect to heirlooms firearms.

### **Northern Territory**

The proposed legislation complies: the *Firearms Bill* 1996, cl. 30; *Draft Firearms Regulations*, r. 11 (proof of inheritance) and r. 20 (firearm to be inoperable).

**Resolution 4. BASIC LICENCE REQUIREMENTS****Council resolved:**

(a) that in addition to the demonstration of "genuine" reason", a licence applicant should be required to

- (i) be aged 18 or over;
- (ii) be a fit and proper person;
- (iii) be able to prove identity through a system similar to that required to open a bank account, ie a 100 point system;
- (iv) undertake adequate safety training; and

(b) that the licence:

- (i) bear a photograph of the licensee;
- (ii) be endorsed with the category of the firearm;
- (iii) be endorsed with the holder's address [this was varied by the 17 July resolution which agreed that this would not be mandatory if that detail is included in the firearms register];
- (iv) be issued after a waiting period of not less than 28 days;
- (v) be issued for a period of not more than 5 years;
- (vi) contain a reminder of safe storage responsibilities;
- (vii) be issued subject to certain undertakings as to safe storage, to provide details of proposed storage and to submit to inspection of storage facilities;
- (viii) be subject to immediate withdrawal of licence and confiscation in certain circumstances and jurisdictions may wish to consider appropriate penalties for failure to comply with storage conditions.

**New South Wales**

New South Wales meets all of the licence requirements:

(a)

- (i) *Firearms Act* 1996, s. 10(2)(a)
- (ii) Section 11(3)(a)
- (iii) Section 11(3)9b)
- (iv) Section 11(3)(b)

(b)

- (i) Section 18(2)(a)
- (ii) Section 18(2)(c))
- (iii) -
- (iv) Section 11(2)
- (v) Section 21
- (vi) Section 18(2)(h)
- (vii) Undertaking: s. 19(2)(a); details: s. 18(2)(g); inspection: s. 19(2)(c)
- (viii) Revocation: s. 24; confiscation; s. 25; penalties: s. 39, 40, 41.



## Queensland

All of the requirements in (a) are satisfied by the Queensland legislation and most of the requirements as to the form of the licence:

- (a)
  - (i) *Weapons Act* 1990, s. 10(2)(a)(i)
  - (ii) Section 10(2)(e)
  - (iii) Section 13(1)(c) (although the extent or type of identification is not specified and s. 14(2)
  - (iv) Section 10(2)(b) and s. 10(4)
- (b)
  - (i) A photograph does not appear to be required
  - (ii) Section 16(1)(b)(i)
  - (iii) Address not required
  - (iv) *Weapons Regulation* 1996, cl. 7(a)(i)
  - (v) Section 20(1)
  - (vi) No reminder is required by either the Act or the regulations
  - (vii) Undertaking: s. 10(2)(c)); details: s. 14(1)(a); inspection: s. 14(1)(c).
  - (viii) Revocation: s. 29; seizure and retention: s. 139.

## South Australia

South Australian legislation fails to specifically require that safety training be mandatory for first time licence holders nor does it require endorsement on licences of a reminder of safe storage responsibilities:

- (a)
  - (i) *Firearms Act* 1977, s. 12(3) but permits may be issued to under 18s
  - (ii) Section 12(6)(a)(i) (s. 12(7)(b) in the case of prescribed firearm)
  - (iii) Section 12(5)(a)
  - (iv) *Firearms Regulations* 1993, r. 17(1) - safety training may be required.
- (b)
  - (i) Section 19A(1)
  - (ii) Section 13(1) states the licence may authorise possession of a firearm or firearms of a particular class and must be endorsed with the purpose or purposes for which that firearm or firearms of that class may be used by the holder of the licence
  - (iii) -
  - (iv) Section 12(8)
  - (v) Section 19(1)
  - (vi) There is no requirement for such a reminder
  - (vii) Undertaking: r. 19(1)(c); details: it is envisaged that they are required: r. 19(1)(f)); inspection: no requirement.
  - (viii) cancellation of licences: s. 20; seizure and forfeiture: s. 32 and s. 34.

**Tasmania**

All the basic licence requirements in Resolution 4(a) and (b) have been complied with:

- (a)
  - (i) *Firearms Act* 1996, s. 29(1)(a)
  - (ii) Section 29(1)(c)
  - (iii) Section 28(1)(b)
  - (iv) Section 29(1)(d)
- (b)
  - (i) Section 45(c)
  - (ii) Section 45(e)
  - (iii) -
  - (iv) Section 35(b)
  - (v) Section 49 and *Firearms Regulations* 1996, r. 9
  - (vi) Section 45(g)
  - (vii) Undertaking as storage: s. 46(b)); applicant must satisfy Commissioner of ability to meet requirements of storage: s. 29(1)(e); submit to inspection: s. 46(e)
  - (viii) Cancellation: s. 51(2); seizure: s. 88 and penalties: s. 84.

**Victoria**

Victoria comprehensively complies with agreed basic licence requirements:

- (a)
  - (i) *Firearms Act* 1996, s. 17(1)(b)
  - (ii) Section 17(1)(c)(i)
  - (iii) Section 32(1)(a)
  - (iv) Section 17(1)(c)(iii)
- (b)
  - (i) Section 35(2)
  - (ii) Section 35(1)(b)
  - (iii) Section 35(1)(a)
  - (iv) Section 33
  - (v) Section 39
  - (vi) Section 35(1)(e)
  - (vii) Safe storage: s. 121, s. 122; applicant must satisfy Commissioner of ability to meet requirements of storage: s. 17(1)(c)(iii) and inspection: Schedule 1 cl. 1.
  - (viii) Withdrawal: s. 46- s. 52; confiscation and seizure: s. 53; penalties: s. 121- s. 123.

**Western Australia**

Not all of the requirements appear to be met. It is not clear if training is required for all first time applicants; there is no reminder on licences of safe storage responsibilities and although there is a requirement of safe storage, these do not appear to be expressly made conditions of all licences.

- (a)
  - (i) *Firearms Act* 1973, s. 10.
  - (ii) Section 11(1)(c)
  - (iii) *Firearms Regulations* 1974, r. 73 - person to whom application made may require applicant to provide "proof of identity in a manner approved by the Commissioner"
  - (iv) Section 10A provides that regulations may require a course of training.
- (b)
  - (i) Regulation 7A(1))
  - (ii) A licence is required to name and identify the firearm or firearms that its holder is licensed to possess and use by s. 16(1)(a).
  - (iii) Not required
  - (iv) Section 18(6)(c) and (6a)
  - (v) Section 9A makes Collector's licences valid for 5 years but other licences are only valid for 12 months
  - (vi) There is no reminder: see *Firearms Regulations* 1974, schedule 1, form 9D.
  - (vii) The legislation does not explicitly state that the safe storage is a condition of all licences; details as to storage: s. 11(7)(b); inspection at time of applications: s. 11(7)(c) and at other times: s. 23(9)(e).
  - (viii) Revocation: s. 20; seizure: s. 24; failure to comply with safe storage is an offence: s. 23(9)(d).

#### Australian Capital Territory

The scheme is similar to the New South Wales legislation. All the basic licence requirements are included in the legislation:

- (a)
  - (i) *Firearms Act* 1996, s. 19(2)(a)
  - (ii) Section 21(3)(a)23(1)(a)
  - (iii) Section 19(2)(b)
  - (iv) Section 21(3)(b) (first time applicant)
- (b)
  - (i) Section 33(4)(a)
  - (ii) Section 33(4)(c)
  - (iii) No requirement for address on licence, identifying particulars of the licensee are required to be in the Register of Firearms by s. 50(2)(a).
  - (iv) Section 21(2)
  - (v) Section 38
  - (vi) Section 33(4)(g)) 34(4)(g)
  - (vii) Safe storage condition: s. 36(2)(a); Registrar must be satisfied as to details: s. 21(3)(c); inspection: 36(1)(c).
  - (viii) Section 41(2)(b)(iii).

#### Northern Territory

The Northern Territory complies with the agreed basic licence requirements:

- (a)
  - (i) *Firearms Bill* 1996, cl. 10(3)(a) and cl. 9(2)(a)

- (ii) Clause 10(3)(b)
- (iii) Clause 9(2)(b)
- (iv) Clause 10(3)(e)
- (b)
  - (i) Clause 12(b)
  - (ii) Clause 12(a) and *Draft Firearms Regulation* 1996, r. 26(8)
  - (iii) -
  - (iv) Clause 10(2)
  - (v) Clause 14
  - (vi) Not required
  - (vii) Storage: cl. : 13(1)(a); Commissioner must be satisfied applicant can meet requirements: cl. 10(3)(d); inspection: cl. 13(1)(c)
  - (viii) Suspension: cl. 34; revocation: cl. 40; seizure: cl. 40; penalties: cl. 45 and 46

One of the obvious ways in which the legislation fails to implement the spirit of the resolutions is in the inclusion of special licences or permits for persons under the age of 18. I have assumed that the intent of the restriction of licences to persons aged 18 or over (see resolution 4(a)) was to restrict the use and possession of firearms to adults. What follows is a brief outline of the legislative provisions permitting possession and use by persons under the age of 18.

### **New South Wales**

The *Firearms Act* 1996, s. 32 provides for minors' firearm training permits and minors' target pistol permits. Minors need only be 12 years of age (*Firearms (General) Regulation* 1996 cl. 19), to have completed a firearms training course and have written consent of a parent or guardian. Both permits allow possession and use for training and for competing in events approved by the Commissioner. Permits can authorise use of self loading or pump action shotguns for clay target shooting.

### **Queensland**

The *Weapons Act* 1990, s. 12(1)(h) provides for a minor's licence. A minor's licence can be issued for a Category A, B or H weapon and a Category C shotgun. It authorises the licensee to possess a weapon for the purposes of transporting it to an from an approved range and to use it under the supervision of a range officer at an approved range (*Weapons Regulation* 1996 cl. 23).

### **South Australia**

The *Firearms Act* 1977 s. 12(4) allows a person who is between 15 and 18 to apply for a firearms permit if that person is the spouse, child brother or sister or employee of a person who holds a licence for the purpose of primary production.

### **Tasmania**

The *Firearms Act* 1996, s. 68 - s. 73 provides for minors' permits. An applicant for such a permit must be at least 12 years of age and have the consent of a parent or

guardian. It authorises the holder to possess or use a firearm under supervision for the purpose of instruction in the safe use of a firearm or target shooting on an approved range. A person under 16 can only use the firearm on an approved range.

### **Western Australia**

This jurisdiction appears to have no licences or permits for minors, instead the *Firearms Act* 1973, s. 8(1)(n) exempts a person under the age of 18 years who uses a firearm, not being a handgun, under the supervision of a person who is the holder of a licence or permit under this Act.

### **Australian Capital Territory**

Except that there are no provisions for clay target shooting, the provisions for a minor's licence in the *Firearms Act* 1996, s. 49 are the same as the New South Wales provisions.

### **Northern Territory**

The *Firearms Bill* 1996, cl. 28 provides for a firearms club junior licence which authorises possession and use of a firearm when under the supervision of a licence holder for the purpose of receiving instruction in the safe use of firearms at an approved range or competing in an approved event.

#### **Interstate recognition: Council resolved:**

(c) that within a regime of uniform firearms legislation, all States and Territories recognise, for visiting gun owners, licences issued in other Australian jurisdictions in order to facilitate the lawful pursuit of sporting and other purposes.

(d) that jurisdictions recognise, for a period of no longer than 3 months, a category A and B firearms licence issued in another jurisdiction to an individual who moves permanently to a new jurisdiction; for such an individual with a licence category C, D and H, a period of recognition will not exceed 7 days.

### **New South Wales**

The relevant provisions are:

(c) *Firearms Act* 1996, s. 26.(d) s. 27

### **Queensland**

The relevant provisions are:

(c) *Weapons Act* 1990, s. 32.

(d) Section 33.

### **South Australia**

South Australia does not appear to have complied with the resolution.

### Tasmania

The resolution is complied with by:

- (c) Section 55
- (d) Section 56

### Victoria

The *Firearms Act* 1996 complies:

- (c) Section 185
- (d) Section 187

### Western Australia

The *Firearms Act* 1973 does not contain any provisions for interstate recognition of licences but s. 17A provides for interstate group permits for members of visiting shooting clubs.

### Australian Capital Territory

The ACT complies with the resolution by:

- (c) *Firearms Act* 1996, s. 43
- (d) Section 44 (category D licences are not given recognition).

### Northern Territory

The relevant provisions are:

- (c) *Firearms Bill* 1996, cl. 92
- (d) Clause 93

#### (e) Licence Categories.

It was resolved that all jurisdictions would adopt the following categories in the licensing of firearms:

Licence Category A:

- air rifles;
- rimfire rifles (excluding self loading);
- single and double barrel shotguns,

Licence Category B:

- muzzle-loading firearms;
- single shot, double barrel and repeating centre fire rifles;
- break action shotguns/rifle combinations;

Licence Category C (prohibited except for occupational purposes):

- semi-automatic rimfire rifles with a magazine capacity no greater than 10 rounds;
- semi-automatic shotguns with a magazine capacity no greater than 5 rounds;
- pump action shotguns with a magazine capacity no greater than 5 rounds.

Licence Category D (Prohibited, except for official purposes):

- self loading centre fire rifles designed or adapted for military purposes or a firearm which substantially duplicates those rifles in design, function or appearance
- non-military style self loading centre fire rifles with either an integral or detachable magazine;
- self loading shotguns with either an integral or detachable magazine and pump action shotguns with a capacity of more than 5 rounds;
- self loading rim fire rifles with a magazine capacity greater than 10 rounds.

Licence Category H (Restricted):

- all handguns, including air pistols

### New South Wales

The licence categories and the authorities they confer are set out in the *Firearms Act* 1996, s. 8.

### Queensland

In addition to the five categories the *Weapons Act* 1990, s. 5 and Schedule 1 adds Category E (bullet proof vests and telescopic batons) and Category R which includes machine guns and sub-machine guns and firearms capable of firing 50 calibre cartridge ammunition. Categories B, C and D are the same as the resolution but A includes miniature cannon, power heads and blank fire rifles and Category H adds conversion units.

### South Australia

The *Firearms Act* 1977 complies with categories and lists them in s. 5, although Class A firearms include "paint-ball firearms" and Class B includes "revolving chamber rifles". Moreover there is an additional category of prescribed firearms for which a licence may be obtained (see s. 13(3) and *Firearms Regulations* 1993, r. 8 which defines prescribed firearms).

### **Tasmania**

The resolution is complied with by the categories in the *Firearms Act* 1996, s. 14 - s. 18.

### **Victoria**

Victoria has complied with the resolution by the adoption of Category A, B, C and D in the *Firearms Act* 1996, s. 3 as categories of longarms licences but adds a Category E which includes machine guns, cannons and bazookas and other specified firearms. There is no Category H but a handgun licence is available (s. 15) and "handgun" is defined in s. 3. Category C includes a tranquilliser gun.

### **Western Australia**

The *Firearms Act* 1973, s. 4(2)(f) envisages that classification of firearms is a matter of regulation. Regulation 6A specifies that firearms are categorised as indicated in Schedule 3. The categories comply with the resolution.

### **Australian Capital Territory**

Section 17 and Schedule 2 use the agreed licence categories in compliance with the resolution.

### **Northern Territory**

The *Firearms Bill* 1996, cl. 3(1) and Schedules 3-6 comply with the resolution.



### **Resolution 5. TRAINING AS A PREREQUISITE FOR LICENCES**

Council resolved:

(a) that all first time licence applicants be required to complete an accredited course in safety training. The course should be:

- (i) comprehensive and standardised across Australia for all licence categories;
- (ii) subject to accreditation of the syllabus and a system of accredited instructors to bring prospective licensees to the required standard with a focus on firearms law, firearms safety and firearms competency;
- (iii) outlined in a Firearms Safety Code which emphasises both safety and storage issues and is distributed to all new licence applicants prior to attending the course of instruction;
- (iv) monitored as to content of courses and the skills of instructors by firearms regulatory authorities.

(b) It was also resolved that a specialised course should be developed in all jurisdictions for the training of persons employed in the security industry.

It was agreed that the Commonwealth would chair a working party to develop an accredited course for safety training in firearms.

#### **New South Wales**

(a) First time applicants must have completed a training and safety course as prescribed in the regulations: *Firearms Act* 1996, s. 11(3)(b). The course has yet to be prescribed.

(b) Security industry: *Firearms Regulations* 1996, r. 45(2) requires safety training at least once a year.

#### **Queensland**

(a) The effect of the Queensland provisions is to require the completion of a course: *Weapons Act* 1990, s. 10(2)(b) and (4).

(b) Security industry: s. 10(4) and s. 124 requires completion of a training course before a licence can be issued; see also *Weapons Regulation* 1996, r. 47.

#### **South Australia**

(a) The legislation in this state does not expressly require completion of a course for all first time applicants, but under the *Firearms Regulations* 1993, r. 17(1), the Registrar may require completion of a safety course. Regulation 18 empowers the Registrar to accredit and monitor courses.

(b) There are no provisions specific to the security industry.

**Tasmania**

(a) The *Firearms Act* 1996, s. 29(1)(d) requires that the Commissioner must not grant a licence unless satisfied that an approved firearms safety course has been completed. "Approved firearms safety course" means an accredited course relating to the safe possession and use of firearms as approved by the Commissioner (s. 3).

(b) There seem to be no provisions specific to the security industry.

**Victoria**

(a) The *Firearms Act* 1996 s. 17(1)(c) provides for compulsory completion of a firearms safety course "approved by the Commissioner".

(b) There are no provisions specific to the security industry.

**Western Australia**

(a) The *Firearms Act* 1973 s. 10A provides that this may be done by regulation but no regulations appear to have been enacted.

(b) No provisions.

**Australian Capital Territory**

(a) The requirement for first time applicants to complete a course in safety training is contained in the *Firearms Act* 1996 s. 21(3)(b). The courses are to be prescribed.

(b) No provisions specific to the security industry.

**Northern Territory**

(a) The *Firearms Bill* 1996 cl. 10(3)(c) appears to apply to all applicants.

(b) No provisions specific to the security industry.

**Resolution 6. GROUNDS FOR LICENCE REFUSAL OR CANCELLATION AND SEIZURE OF FIREARMS.**

Council resolved:

(a) that all jurisdictions would set out in legislation standards of circumstances in which applications are to be refused or licences cancelled complying with the following uniform minimum standards:

- general reasons - (i) not of good character, (ii) conviction for an offence involving violence within the last 5 years; (iii) contravene a firearms law; (iv) unsafe storage, (v) no longer genuine reason; (vi) not in public interest due to defined circumstances; (vii) not notifying change of address; (viii) licence obtained by deception.
- specific reasons - where the applicant/holder has been the subject of an Apprehended Violence Order etc or conviction for assault with a weapon/aggravated assault within the last five years;
- mental or physical fitness - reliable evidence of mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm (each jurisdiction was to establish a working party to examine possible criteria for this)

(b) that in regard to the latter point, a balance needs to be struck between the rights of the individual to privacy and fair treatment, and the responsibility of authorities, on behalf of the community, to prevent danger to the individual and the wider community.

(c) that a Commonwealth/State working party, including health officials, police and medical representation, be established to examine possible criteria and systems for determining mental and physical fitness to own, possess or use a firearm. the working party should report to the second APMC meeting for 1996, but jurisdictions should not delay the introduction of necessary legislative changes while awaiting its report.

(d) that jurisdictions will establish an appeal from a refusal of a licence application and the cancellation of a licence.

In paragraph (a) of this resolution, the distinction between general and specific reasons is not entirely clear. Were the general reasons intended to be matters which could lead to the conclusion that an applicant was not a fit and proper person and the specific reasons grounds on which a licence must be refused or cancelled?

**New South Wales**

The New South Wales provisions comply with the resolution except that revocation is not automatic upon conviction for aggravated assault/assault with a weapon.

- **general**

- (i) The *Firearms Act* 1996, s. 11(4) elaborates on the requirement that the applicant be a fit and proper person for a licence in s. 11(3)(a) by providing that a licence must not be issued if the Commissioner has reasonable cause to believe that the applicant may not personally exercise continuous and responsible control because of the applicant's way of living or domestic circumstance. A licence can be revoked for any reason for which a licensee would be required to be refused a licence by virtue of s. 24(2)(a).
- (ii) Refusal: a licence must be refused for a conviction within 10 years of a prescribed offence, s. 11(5)(b), *Firearms (General) Regulation* 1996 (Draft) cl. 5 prescribes firearms, narcotics and offences of violence; revocation: under s. 24(2)(a) a licence may be revoked for any reason for which a licence would be required to be refused.
- (iii) Refusal: s. 11(5)(b) and cl. 5(2); revocation: s. 24(2)(a) and s. 24(2)(b)(iii).
- (iv) Refusal: s. 11(3)(c); revocation: s. 24(2)(a) and s. 24(2)(b)(iii) (safe storage is a condition of a licence under s. 19(2)(a)).
- (v) Revocation: s. 24(2)(a) (revocation for reason for which licence would be refused).
- (vi) Refusal: s. 11(7); revocation: s. 24(2)(c) and cl. 13(1).
- (vii) Not notifying change of address is a contravention of s. 69 of the Act, which is a ground for revocation under s. 24(2)(b)(ii).
- (viii) Section 24(2)(b)(i).

- **specific**

Section 11(5) provides a licence must not be issued to a person who has been the subject of an apprehended violence order within 10 years (s.11(5)(c), or to an applicant who has been convicted of a prescribed offence within 10 years (s.11(5)(b). The *Firearms (General) Regulations* 1996 (Draft) by r. 5, list offences relating to firearms, narcotics and offences involving violence (which is defined) as the prescribed offences that disqualify applicants.

Revocation is automatic when a person is made subject to a firearms prohibition order or apprehended violence order (s.24(1)); a licence may be revoked for a conviction of aggravated assault ( s. 24(2)(a)).

- **mental or physical fitness**

Refusal: s. 11(4)(c) makes the applicant's intemperate habits or unsound mind a ground of refusal; revocation: s. 24(2)(a).

#### (d) Appeal

Section 75 provides a right of appeal to a Local Court against the refusal or failure by the Commissioner to issue a licence.

#### Queensland

The Queensland provisions comply with the resolution:

- **general reasons**
  - (i) Refusal: *Weapons Act* 1990, s. 10(2)(e); revocation: s. 29(1)(d)
  - (ii) Refusal: s. 10(6)(a)(ii); revocation: s. 29(1)(d) and s. 10(6)
  - (iii) Refusal: s. 10(6)(a)(iii); revocation: s. 29(1)(b)
  - (iv) Refusal: s. 10(2)(c); revocation: s. 29(1)(b) and s. 60.
  - (v) Revocation: s. 29(1)(e)
  - (vi) Refusal: s. 10(5)(d); revocation: s. 29(1)(d) - fit and proper person includes public interest (s. 10(5)(d))
  - (vii) Revocation: s. 29(1)(c) and s. 24(2)(a)
  - (viii) Refusal: s. 10(5)(c); revocation: s. 29(1)(a).
- **specific reasons**

An application will be refused if the applicant is not a fit and proper person and the Act provides an applicant is not a fit and proper person if within 5 years the applicant has been the subject of a domestic violence order (s. 10(6)(b)), or has been convicted of an offence involving the use of violence (s.10(6)(a)(ii)) or a firearm (s. 10(6)(a)(iii)). Similarly a licence will be cancelled if the holder is no longer a fit and proper person: s. 29(1)(d).

- **mental or physical fitness**

Mental or physical fitness is relevant to whether a person is fit and proper (s. 10(5)(a)).

#### (d) Appeal

Section 142

#### South Australia

A domestic violence order or a conviction for assault with a weapon does not automatically result in refusal or revocation of a licence.

- **general reasons**
  - (i) Refusal: *Firearms Act* 1977, s. 12(6)(a)(i); cancellation: s. 20(1)(b).

- (ii) Refusal: s. 5(11)(c) provides a person may be taken to not be a "fit and proper person" if they have committed an offence involving violence; cancellation: s. 20(1)(b).
- (iii) Refusal: may not be a fit and proper person according to s. 5(11)(a); cancellation: failure to comply with provision of Act or a condition of the licence, s. 20(1)(a).
- (iv) Refusal: s. 12(6)(a)(iii); cancellation s. 5(11)(a) may be grounds for finding a person not a fit and proper person.
- (v) Cancellation: s. 20(1a)(b), but not grounds for cancelling, just varying licence, see s. 20(1a)(e).
- (vi) Refusal: s. 12(6)(a)(vi) but no circumstances defined; cancellation: s. 20(1a)(a).
- (vii) Cancellation: s. 20(1)(a) and s. 21A (offence not to notify).
- (viii) Cancellation: s. 20(1)(a) and s. 28 (offence to provide false information) and see s. 5(11)(d) (not fit and proper person if guilty of deception in obtaining a licence).

- **specific reasons**

If a person has been the subject of a domestic violence restraining order this may be grounds for a finding that they are not a fit and proper person: s. 5(11)(e); the same applies to an offence of violence (s. 5(11)(c)). It follows that such events do not automatically result in licence refusal or cancellation.

- **mental or physical fitness**

Section 5(10) provides that a person who has a mental or physical condition that would make it unsafe to possess a firearm must be taken not to be a fit and proper person.

#### **(d) Appeal**

Section 21D.

#### **Tasmania**

Except for the omission of failure to notify change of address as a ground of cancellation and the failure to make cancellation automatic for a conviction for aggravated assault, the Tasmanian provisions comply with the resolution.

- **general reasons**

- (i) Refusal: s. 29(1)(c); cancellation: s. 51(2)(f).
- (ii) Refusal: s. 29(2)(c) provides any criminal activity is relevant to the assessment of whether a fit and proper person; cancellation: s. 51(1)(2)(f) - no longer a fit and proper person.
- (iii) Refusal: s. 29(2)(d); cancellation: s. 51(2)(c).
- (iv) Refusal: s. 29(1)(e) cancellation: s. 51(2)(c) for an offence, it is an offence not to comply with safekeeping provision in ss. 84-

87 and s.51(2)(e) for breach of a condition, safekeeping is a condition in s.46(b).

- (v) Cancellation: s. 51(2)(a).
- (vi) This reason is not specifically stated for refusal or cancellation but a firearms prohibition order may be made "in the public interest" (s. 130) and such an order disentitles an applicant under s. 29(3)(d) and automatically cancels a licence under s. 51(1).
- (vii) Not notifying change of address is not a ground of cancellation, s.57 contains a requirement to notify change of particulars specified in the licence within 14 days, but address is not such a particular.
- (viii) cancellation: s. 51(2)(b).

- **specific reasons**

Refusal: an existing restraint order relating to personal injury prevents the granting of a licence (s. 29(3)(d)); and if an applicant is or was the subject of a restraint order or an interim restraint order within 5 years of the application, this is relevant to the decision as to fit and proper person (s. 29(2)(f)). A conviction for a crime involving violence within 5 years requires refusal (s.29(3)(a)).

Cancellation: a restraint order relating to personal injury automatically cancels a licence (s. 51(1)), but any other restraint order or an interim restraint order may lead to cancellation: s. 51(2)(d); a conviction for assault with a weapon may result in cancellation because such a person would be ineligible for a licence: s. 51(2)(a) and s. 29(3)(a).

- **mental or physical fitness**

Refusal: mental and physical condition is made relevant to "fit and proper person" by s. 29(2)(b); cancellation: no longer a fit and proper person - s. 51(2)(f).

#### **(d) Appeal**

Section 141(1)(a) and (c)(d)

#### **Victoria**

The Victorian provisions substantially comply with the resolution although the public interest is not made a ground of cancellation and there are no express provisions relating to mental or physical fitness.

- **general reasons**

- (i) Refusal: s. 17(1)(c)(i); cancellation: s. 49(f).
- (ii) Refusal: s. 17(1)(a); cancellation: s. 46(1) provides for the cancellation of a prohibited person's licence, a "prohibited

person" includes person convicted of assault (see paragraph (e) of the definition in s.3(1)).

- (iii) Refusal: s. 17(1)(a) and definition of prohibited person in s. 3(1) paragraph (d) of the definition ; cancellation: s. 49(h).
- (iv) Refusal: s. 17(1)(c)(iv), cancellation: s. 49(e).
- (v) Cancellation: s. 49(a).
- (vi) Refusal: s. 17(1)(c)(v), cancellation: no provision.
- (vii) Cancellation: s. 49(b).
- (viii) Cancellation: s. 49(c).

- **specific reasons**

A "prohibited person" cannot obtain a licence (s. 17(1)(a)) and if a holder becomes a "Prohibited person" the licence must be cancelled (s. 46(1)). A "Prohibited person" includes by virtue of the definition in s. 3, a person subject to an intervention order under the *Crimes (Family Violence) Act 1987* in the last 5 years in paragraph (c) of the definition and a person sentenced to imprisonment for assault in the last 5 years in paragraph (a) of the definition.

- **mental or physical fitness**

Such evidence could be relevant to whether an applicant or a licence holder was a fit and proper person to obtain or retain a licence (s. 17(1)(c)(i) and s. 49(f)).

**(d) Appeal**

The following sections give a right to review a decision of the Commissioner: ss. 34, 44, 50, 62 and 74.

**Western Australia**

Neither a violence restraining order nor a conviction for an offence involving a firearm automatically results in refusal or revocation of a licence. Nor is failure to inform of change of address a reason for revocation.

- **general reasons**

- (i) Refusal: *Firearms Act 1973*, s. 11(1)(c); cancellation: s. 20(1)(iii)
- (ii) Refusal: history of violent behaviour - s. 11(2); cancellation: s. 20(1)(a)(iii).
- (iii) Refusal: s. 11(3)(a)(iii); cancellation: s. 20(1)(a)(ii).
- (iv) Refusal: s. 11(7)(b); cancellation: s. 20(1)(ad).
- (v) Cancellation: s. 20(1)(d).
- (vi) Refusal: s. 11(1)(b) (public safety), no circumstances defined; cancellation: s. 20(1)(ac).
- (vii) No provision.
- (viii) Section 20(1)(a)(i).



- **specific reasons**

Section 11(3)(a) provides that a conviction for assault with a weapon or a violence restraining order within a period of 5 years are grounds for a finding that a person is not a fit and proper person justifying refusal or for revocation of a licence under s. 20(1)(a)(iii).

- **mental or physical fitness**

Mental or physical fitness can be used to assess whether a person is a fit and proper person (s.11(3)(b)).

**(d) Appeal:**

Section 22

**Australian Capital Territory**

The Australian Capital Territory provisions comply with the resolution.

- **general reasons**

- (i) Refusal: s. 21(3)(a); cancellation: s. 41(2)(c).
- (ii) Refusal: if applicant has been convicted of an indictable offence involving violence within 10 years, s. 22(1)(b) and s. 22(4); cancellation: s. 41(2)(a).
- (iii) Refusal: may not be a fit and proper person if licence has been suspended or cancelled within 10 years, s. 21(5)(d)(ii)B; cancellation: contravention of a firearms law, s. 41(2)(b)(ii).
- (iv) Refusal: s. 21(3)(c); cancellation: for contravention of Act (s. 41(2)(b)(ii)) and s. 62 makes unsafe storage an offence.
- (v) Cancellation: for any reason for which the licensee would be required to be refused, s. 41(2)(a).
- (vi) Refusal; s. 21(10); cancellation: s. 41(2)(a).
- (vii) Cancellation: for contravention of Act, s. 41(2)(b)(ii) and s. 106 makes failure to notify change of address an offence.
- (viii) Section 41(2)(b)(i).

- **specific reasons**

Refusal: under s. 22(1)(a) and s. 22(1)(b) an application must be refused if, within 10 years of the application, the applicant has been a respondent to a restraining order or the subject of a protection order or convicted of an indictable offence involving violence; cancellation: cancellation is automatic under s. 41(1) when a person is subject to a domestic violence order.

- **mental or physical illness**

Refusal: s. 21(5)(a); cancellation: s. 41(2)(c).

**(d) Appeal**

Section 113.

**Northern Territory**

The provisions in this jurisdiction do not exhaustively deal with all the points in this resolution. First, rather than an offence involving violence within 5 years being a ground for refusal of a licence, the offence must also be one in which a firearm is implicated, although the commission of an offence of violence could be treated as relevant to the issue of a fit and proper person. Secondly, the commission of assault with a weapon is a discretionary ground for refusal and revocation rather than an automatic ground. Thirdly, the public interest is not specifically made a ground for refusal or revocation. Finally, failure to notify change of address may not be a reason for revocation.

- **general reasons**

- (i) Refusal: *Firearms Bill* 1996, cl. 10(2)(b); cancellation: cl. 40(2)(e).
- (ii) Refusal: the only offence specifically mentioned in the Bill (cl. 10(3)(f)) is a “disqualifying offence”, defined in cl. 3 as an offence in which a firearm is implicated involving the use of force punishable by a term of 7 years; cancellation: if found guilty of an offence which would make the holder not a fit and proper person, cl. 40(2)(c).
- (iii) Refusal: commission of a firearms offence is not expressly made a ground for refusal; cancellation: cl. 40(2)(c).
- (iv) Refusal: cl. 10(1)(d); cancellation: for breach of a condition of licence, cl. 40(2)(d) and safe storage is a condition under cl. 13(1)(a)
- (v) Cancellation: for a reason for which a licence would have to be refused, cl. 40(2)(a).
- (vi) There are no specific public interest grounds for refusal of a licence or cancellation.
- (vii) Failure to notify change of address is an offence under cl. 90(1) and if this is an offence “relating to a firearm” under cl. 40(2)(c) then the licence may be revoked. Such an interpretation is rather strained.
- (viii) Cancellation: cl. 40(2)(b).

- **specific reasons**

Refusal: the Act provides a licence cannot be granted to a person who is subject to a restraining order or has been subject to one within 5 years of the application (cl. 10(3)(g)) nor to a person convicted of an offence involving force in which a firearm is implicated (s. 10(3)(f) and cl. 3). Cancellation: a domestic violence order

automatically revokes a licence under cl. 40(1) and the commission of an offence involving the use of a firearm may under cl. 40(2)(c) lead to revocation.

- **mental or physical illness**

Clause 10(4) makes considerations such as attempts to commit suicide or cause a self-inflicted injury and intemperate habits or unsound mind relevant to the issue of whether an applicant is a fit and proper person under cl. 10(3)(b).

**(d) Appeal**

Clause 51.

**Resolution 7. PERMIT TO ACQUIRE**

Council resolved:

- (a) that a separate permit be required for acquisition of every firearm;
- (b) that the issue of a permit should be subject to a waiting period of at least 28 days to enable appropriate checks to be made on licensees in order to ascertain whether circumstances have occurred since the issue of the original licence which would render the licensee unsuitable to possess the firearm or which would render the licensee ineligible for that type of firearm.

**New South Wales**

- (a) This resolution is implemented in the *Firearms Act* 1996, s. 31 and s. 29.
- (b) Section 31(3)(b)

**Queensland**

This resolution is implemented by the Queensland legislation:

- (a) *Weapons Act* 1990, s. 35
- (b) Section 42 and *Weapons Regulation* 1996, cl. 56.

**South Australia**

The South Australian law complies with this resolution:

- (a) *Firearms Act* 1977 s. 14
- (b) Section 15.

**Tasmania**

This resolution is implemented by the *Firearms Act* 1996:

- (a) Section 58(2)
- (b) Section 60 and s. 61(b)

**Victoria**

The *Firearms Act* 1996 complies with resolution:

- (a) Section 102
- (b) Section 107 and s. 104.

### **Western Australia**

(a) The *Firearms Act* 1973 (WA) complies with this because a licence only entitles its holder to possess and use the firearm named and identified in the licence. If an additional firearm is required then a new licence has to be applied for. If the application is for a licence of the same kind, then an application for expedited approval can be made and the additional firearm can be noted on the current licence - s. 18(10) and (11).

(b) Section 18(6)(c). The scheme of licensing in WA does not appear to require a 28 day delay if the application is for expedited approval.

### **Australian Capital Territory**

This resolution is implemented by:

(a) *Firearms Act* 1996, s. 48

(b) Section 46.

### **Northern Territory**

The resolution is implemented by:

(a) *Firearms Bill* 1996, cl. 35

(b) Clause 35(4) but sub-clause (5) allows less than 28 days in certain circumstances.

**Resolution 8. UNIFORM STANDARDS FOR THE SECURITY AND STORAGE OF FIREARMS**

Council resolved that all firearms and ammunition be stored in secure conditions as follows:

- (i) it should be a precondition to the issuing of a new firearms licence (and on each renewal of licence in respect of existing licence holders) that the licensing authority be satisfied as to the proposed storage and security arrangements;
- (ii) legislation should have the effect of making failure to store firearms in the manner required an offence as well as a matter that will lead to the cancellation of the licence and the confiscation of all firearms;
- (iii) measures should be indicated in legislation for the storage of firearms which are specific and clear so that firearm owners and possessors know their obligations and the following minimum basic standards should apply;
  - Licence Category A and B: storage in a locked receptacle constructed of either hard wood or steel with a thickness to ensure it is not easily penetrable. If the weight is less than 150 kilograms the receptacle shall be fixed to the frame of the floor or wall so as to prevent easy removal. The locks fitted to these receptacles shall be of sturdy construction.
  - Licence Category C, D and H: storage in a locked, steel safe with a thickness to ensure it is not easily penetrable, bolted to the structure of a building; and
  - all ammunition must be stored in locked containers separate from any firearms;
- (iv) should a firearms owner or possessor wish to store firearms through measures other than those indicated in legislation, he or she would have the burden of persuading the firearms regulatory authority that he or she can provide the level of security not less than that required by the relevant approved practices;
- (v) in order to govern safekeeping when firearms are temporarily away from their usual place of storage, legislation could provide a statement indicating reasonable precautions to take to ensure the safekeeping taking into consideration situations most likely to be encountered. A basic standard that should be included in the statement is that the holder of the licence "must take reasonable care to ensure that the firearm is not lost or stolen and must take reasonable care to ensure that the firearm does not fall into the hands of an unauthorised person";
- (vi) the firearms safety booklet to be distributed to all new licence applicants prior to attending for a course of instruction should also feature clear and precise information on the obligations as regards storage of firearms;
- (vii) a reminder of safe storage responsibilities should be on the licence itself.

- (viii) security at gun dealer premises will require the dealer meeting such additional requirements as the firearms regulatory authority deems appropriate having regard to the type of activity of the dealer;
- (ix) where approval has been given for the possession or use of a firearm for a limited purpose such as film production, the person authorised must meet such requirements as the firearms regulatory authority deems appropriate having regard to the type of activity for which possession has been authorised.

### New South Wales

New South Wales has provisions which comply with all of the agreed standards. The relevant provisions are as follows:

- (i) *Firearms Act* 1996, s. 11(3)(c).
- (ii) Offence: s. 39; cancellation and confiscation: s. 24(2) and s. 25.
- (iii) Sections 40 and 41; ammunition: ss. 40(1)(d) and 41(1)(a).
- (iv) Sections 40(2) and 41(2).
- (v) Section 39.
- (vi) Section 10(3)(b).
- (vii) Section 18(2)(h).
- (viii) Section 48 and *Firearms (General) Regulation* 1996, cl. 22(2).
- (ix) Theatrical armourer's permit is subject to the requirements of the regulation concerning safe storage (*Regulation* 29(4)).

### Queensland

Queensland does not completely comply with uniform standards, in particular it treats Category C weapons in the same way as category A and B and there is no requirement for separate storage of ammunition.

- (i) *Weapons Act* 1990, s. 10(2)(c), but it is not expressly made a precondition of licence renewal under s. 18.
- (ii) Offence: s. 60; cancellation: s. 29 (assuming safekeeping in s. 60 is a condition); seizure s. 139.
- (iii) Section 60 and *Weapons Regulation* 1996, cl. 60. The provisions do not require Category C weapons to comply with the same requirements as Category D and H and there is no requirement for separate storage of ammunition.
- (iv) *Weapons Regulation* 1996, cl. 63.
- (v) The Queensland legislation does not use the recommended words but provides that firearms should be kept unloaded other than when being used to shoot (cl. 59) and prescribes safety precautions for weapons in or on vehicles (cl. 61).
- (vi) There is no mention of a safety firearms booklet.
- (vii) There is no legislative requirement for such a reminder.
- (viii) *Weapons Regulation* 1996, cl. 30- 38.

- (ix) This would be possible under the legislation which appears to envisage that for purposes such as theatrical productions a firearms licence is required (see s. 11(e) and cl. 4, 24 and 25).

### South Australia

South Australia substantially complies with these standards:

- (i) *Firearms Act* 1977, s. 12(6)(a)(iii).
- (ii) Offence: s. 21 (because r. 19(c) makes safekeeping a condition of the licence); cancellation: s. 20(1)(a); confiscation: s. 32.
- (iii) The South Australian position substantially complies by the provisions in the *Firearms Regulations* 1993, r. 29 except that Category A and B weapons need not be in a receptacle if they are secured or locked to the building. Ammunition: r. 32(1).
- (iv) Regulation 29(1)(e) and r. 29(2)(e) provide for other methods approved by the Registrar but do not expressly state that the approved practices are a minimum standard.
- (v) Regulation 19(1)(9d).
- (vi) -
- (vii) -
- (viii) Regulation 31 and 33.
- (ix) No provision.

### Tasmania

Tasmania complies with all of the standards:

- (i) *Firearms Act* 1996, s. 29(1)(e).
- (ii) Offence: ss. 84, 85 and 86; cancellation for breach of safe storage requirements (not automatic): s. 51(2)(c); seizure: s. 88.
- (iii)
  - Section 85
  - Section 86
  - Section 85(1)(d) and s. 86(1)(c).
- (iv) Section 85(2) and s. 86(2).
- (v) Section 84.
- (vi) Section 27.
- (vii) Section 45(g).
- (viii) Security at premises: s. 87 and of display: s. 97.
- (ix) There are no specific requirements but could be covered by s. 35(a)(ii).

### Victoria

Victoria substantially complies with these standards:

- (i) Application: *Firearms Act* 1996, s. 17(1)(c)(iv); renewal: s. 42(2)(c)(ii).
- (ii) Offence: s. s 121-122; cancellation: s. 49(e); confiscation: s. 53.
- (iii)
  - Schedule 4 cl. 1
  - Schedule 4 cl. 2 2



- Schedule 4 cl. 1(3), cl. 2(3).
- (iv) Section 121(1)(b).
- (v) Section 126.
- (vi) The legislation contains no mention of a firearms safety booklet.
- (vii) Section 35(1)(e).
- (viii) Section 123.
- (ix) No licence is required for stage, TV or film if certain conditions are met: s. 54 and Schedule 3 item 10.

### Western Australia

Western Australia substantially complies with these standards:

- (i) *Firearms Act* 1973, s. 11(7)(b)-.
- (ii) Section 20(1)(a)(ii) provides for cancellation for breach of a condition of licence, s. 23(9)(d) makes failure to safely store an offence; forfeiture: s. 28.
- (iii) Section 34(2)(g) provides the Governor may make regulations in relation to safe custody of firearms.
  - Regulation 11A and Schedule 4 to the Regulations impose a different minimum standard which does not differentiate between categories of firearms but appear to be at least as stringent as the agreed minimum standard.
  - ammunition: Regulation 11A(8)
- (iv) Regulation 11A(2).
- (v) Failure to take all reasonable precautions to ensure safe keeping whilst firearm not in storage is an offence - s. 23(9)(a).
- (vi) -
- (vii) -
- (viii) The *Firearms Act* 1973, s. 32 requires firearms and ammunition to be kept in a strong room or otherwise in safe keeping when the premises are not open for trade.
- (ix) -

### Australian Capital Territory

The ACT complies with these standards:

- (i) *Firearms Act* 1996, s. 21(3)(c)
- (ii) Offences: s. 63 and s. 64; cancellation: s. 41(2)(b)(ii); confiscation: s. 6.
- (iii)
  - Section 63
  - Section 64
  - Section 63(b) and 64(b).
- (iv) Section 63(2); s. 64(2).
- (v) Section 62(1).
- (vi) Section 19(3).
- (vii) Section 33(4)(g).
- (viii) A provision for security of displayed firearms only: s. 71.

- (ix) No requirements specified, but a permit for film or theatrical productions may be subject to conditions: s. 47(3)(a).

**Northern Territory**

- (i) *Firearms Bill* 1996, cl. 10(3)(d).
- (ii) Offence: cl. 63; revocation: cl. 40(2)(d) (because safekeeping is a condition (cl. 13(1))).
- (iii)
  - Regulation 21
  - Regulation 22
  - Regulation 21(d) and 22(c).
- (iv) Clause 46(2).
- (v) Clause 45(1).
- (vi) -
- (vii) -
- (viii) Clause 17(1) and Regulation 23 (dealers) and 24 (armourers).
- (ix) No requirements specified.

## Resolution 9. RECORDING OF SALES

Council resolved:

- (a) that firearms sales be conducted only by or through licensed firearms dealers
- (b) that the following principles should underpin firearms dealer recording of firearms transactions:
  - (i) firearms dealers should continue to be obliged under penalty to ensure that purchasers are appropriately licensed for the firearm to be purchased;
  - (ii) firearms dealers should be required to record and maintain details (type, make, calibre and serial number) of each weapon purchased or sold against the identity (name, address and licence number) of the seller or the purchaser;
  - (iii) firearms dealers should be required to provide records to the National Register of Firearms through the State/Territory licensing authority;
  - (iv) police personnel investigating a crime or checking the compliance of licensed gun dealers with recording responsibilities should have the right to inspect the records of licensed gun dealers without the need to give notice to the licensee; and
  - (v) special provisions may have to be put in place in those jurisdictions which have remote locations where licensed gun dealers may not be readily available (it may be possible, for instance, to authorise local police officers to certify sales/purchases in such circumstances).
- (c) that jurisdictions legislate to allow the sale of ammunition only for those firearms for which the purchaser is licensed and that there be limits on the quantity of ammunition that may be purchased in a given period.
- (d) on the purchased of ammunition, the relevant licence must be produced.

### New South Wales

The New South Wales provisions comply with the resolution regarding the recording of sales except in that no maximum is prescribed for the amount of ammunition that may be purchased. The relevant provisions are:

- (a) *Firearms Act* 1996, s. 51.
- (b) The restrictions and recording of firearms sales by dealers are complied with in the New South Wales legislation:
  - (i) Section 44(2)
  - (ii) Section 45(2)

- (iii) Section 46
- (iv) Section 45(6)
- (v) Section 51(2)(c); *Firearm (General) Regulation* 1996 (Draft), cl. 68(2).

(c) Section 65. In terms of limits on the amount of ammunition that may be purchased at any one time, the section provides that the amount not exceed the amount (if any) prescribed by the regulations. To date the regulations have not so prescribed.

(d) Section 65(1).

### Queensland

Queensland does not appear to comply with the paragraphs of the resolution relating to ammunition sale.

(a) *Weapons Act* 1990, ss. 35 and 36.

(b) The Queensland legislation complies with the terms of this part of the resolution:

- (i) Section 73 and *Weapons Regulation* 1996 cl. 28, for penalty see s. 156.
- (ii) Section 71(2) and cl. 29(1).
- (iii) Requirement to notify "approved officer" of transactions in the approved form: s. 71(2)(b).
- (iv) Section 136(d).
- (v) Section 36(1)(b)(ii) and cl. 57.

(c) No provisions for the sale of ammunition.

(d) No requirement to produce licence.

### South Australia

Most of the points in the resolution are complied with but as well as licensed dealers, "Authorised officers" who are officers of recognised firearms clubs and who have been authorised by the Registrar and police officers may witness transfers. Production of a licence prior to purchase of ammunition is not required.

(a) *Firearms Act* 1977, s. 15B(9)

(b)

- (i) Section 15C(1)(a)
- (ii) Section 15C(1)(b)
- (iii) Section 15C(1)(c)
- (iv) Regulation 19A(1)(j)
- (v) Police and authorised officers are authorised to witness transfer: s. 15B(9)(a).

(c) Section 21B(1)(a); limit on amount: s. 28A -reasonable amount for 12 months.

(d) Production of licence is not required but it is an offence to know or have reason to believe that the purchaser of ammunition is not licensed (s. 21B(5)).

### Tasmania

Tasmania complies:

(a) Section 24 and s. 25(3)

(b)

- (i) Section 25(2)
- (ii) Section 89(2)
- (iii) Section 89(4) and s. 93
- (iv) Section 90
- (v) No provision made

(c) Section 105(1) and (2); s. 105(2)(b)(i) provide quantity must not exceed any prescribed amount; the *Firearms Regulations* 1996, r. 12 provides the Commissioner may determine the amount.

(d) Section 105(1)(b)(i)

### Victoria

The *Firearms Act* 1996 complies with the resolution:

(a) Section 95 and s. 96

(b)

- (i) Section 94
- (ii) Section 87
- (iii) Section 118
- (iv) Section 89
- (v) There are no provisions for remote locations

(c) Section 124

(d) Section 125

### Western Australia

(a) Western Australia does not appear to comply with this aspect of the resolution.

(b)

- (i) *Firearms Act* 1973, s. 19(2) applies to any person who sells a firearm.
- (ii) Records to be kept in such manner as is prescribed - s. 31(2) and see *Firearms Regulations* 1974, r. 18(1)(b) records of firearms bought and sold, details of purchaser or seller not required.
- (iii) Regulation 18(1)(b) requires dealer to lodge records monthly-
- (iv) Section 31(2)
- (v) -

(c) Section 30(1); s. 34(2)(g) authorises the Governor to make regulations restricting the amount of ammunition that may be sold. As yet, none have been made.

(d) Section 30(5), if licence is not requested, there are no reasonable grounds for belief that person entitled to ammunition.

### **Australian Capital Territory**

(a) *Firearms Act* 1996, s. 84

(b) The provisions regulating the recording of transactions by firearms dealers are very similar to the New South Wales provisions, although appropriately there are no provisions for sales in remote locations:

(i) Section 67(2)

(ii) Section 68(2)

(iii) Section 69

(iv) Section 68(6)

(v) No provision

(c) Section 98; no limit is prescribed.

(d) Section 98(2).

### **Northern Territory**

The Northern Territory provisions comply except with respect to the quantity of ammunition purchased.

(a) *Firearms Bill* 1996, cl. 63

(b)

(i) Clause 62(3)

(ii) Clause 18(1) and Draft Firearms Regulations, r. 27

(iii) Clause 18(3)

(iv) Clause 18(4)

(c) Clause 69; no limit prescribed

(d) Clause 69(1)(b)

**Resolution 10. MAIL ORDER CONTROL**

Council resolved:

- (a) to adopt the following principles in relation to mail order firearms sales:
  - (i) mail order arrangements will apply strictly to a licensed gun dealer to licensed gun dealer basis;
  - (ii) advertisement of firearms for sale will be prohibited unless the sale is to be conducted by or through a licensed gun dealer;
  - (iii) the movement of firearms covered by Licence Categories C, D and H must be in accordance with prescribed safety requirements;
  - (iv) the commercial transport of ammunition with firearms will be prohibited; [the 17 July meeting agreed that the commercial transport of firearms and ammunition should be permitted only under closely regulated secure conditions]

and
- (b) that each jurisdiction pass the necessary legislation to enforce these principles within their borders.

**New South Wales**

Except in respect of the regulation of the commercial transport of firearms and ammunition, New South Wales has complied with the resolution by introducing or at least drafting the following provisions:

- (a)
  - (i) *Firearms Act* 1996, s. 53.
  - (ii) Section 54.
  - (iii) Sections 56 and 57; *Firearms (General) Regulation* 1996, cl. 69.
  - (iv) Section 56 allows commercial transport in accordance with safety regulations prescribed by regulations. This does not appear to have been done at this stage.

**Queensland**

Queensland does not deal with commercial transport of firearms with ammunition and, contrary to the resolution, allows mail order from a dealer to a non-dealer.

- (a)
  - (i) The Queensland legislation does not restrict mail order to licensed gun dealer to licensed gun dealer because it allows gun dealers to dispatch weapons to persons who are not licensed gun dealers: *Weapons Act* 1990 and *Weapons Regulation* 1996 cl. 62(3).

- (ii) Section 37 requires advertisements to state the serial number and all sales must be conducted through a licensed dealer by virtue ss. 35 and 36.
- (iii) Clause 61 and 62 provides safety precautions for weapons in vehicles and restrictions on dispatch without specifying the category of firearm.
- (iv) Commercial transport is exempt from the Act: s. 2 (1)(i). So it neither prohibits the commercial transport of firearms and ammunition nor regulates it.

#### South Australia

- (a)
  - (i) *Firearms Act* 1977, s. 35B (sale must be in the presence of dealer or authorised officer).
  - (ii) Section 35B.
  - (iii) Section 35A(2). No safety requirements have yet been prescribed by regulation.
  - (iv) Section 35A(1).

#### Tasmania

Tasmania complies:

- (a)
  - (i) *Firearms Act* 1996, s. 100 and 101.
  - (ii) Section 106.
  - (iii) Section 104 and *Firearms Regulations* 1996, r. 10.
  - (iv) Section 103.

#### Victoria

Victoria does not appear to make any provision in relation to transport.

- (a)
  - (i) *Firearms Act* 1996, ss. 98-100
  - (ii) Section 101
  - (iii) -
  - (iv) -

#### Western Australia

This State does not comply with the resolution:

- (a)
  - (i) The *Firearms Act* 1973, s. 30A prohibits interstate mail order except to a licensed dealer but mail order within the State is not prohibited.
  - (ii) Advertisements are not prohibited (see s. 30A(1)) and sales do not appear to be confined to sales through licensed dealers.
  - (iii) Section 34(2)(ga) envisages that sending or conveyance will be dealt with by regulation. This does not appear to have done at this stage.



- (iv) No provision.

### **Australian Capital Territory**

The ACT has complied with the resolution:

- (a)
  - (i) *Firearms Act* 1996, s. 86
  - (ii) Section 87
  - (iii) Section 90
  - (iv) Section 89

### **Northern Territory**

The Northern Territory has partially implemented the resolution:

- (a)
  - (i) *Firearms Bill* 1996, cl. 64 and 65.
  - (ii) There are no provisions in relation to advertisements.
  - (iii) Clause 66 provides conveyance must comply with prescribed safety requirements and the *Draft Firearms Regulations* 1996, r. 31 only provides that a prohibited firearm or a pistol must be conveyed by registered post or by a commercial freight carrier.
  - (iv) No conditions have been prescribed for commercial transport of firearms and ammunition.

**Resolution 11. COMPENSATION/INCENTIVE ISSUES**

Council resolved:

- (a) that a common basis for fair and proper compensation, based on the value of each firearm as at March 1996, be agreed between jurisdictions to prevent gun owners from offering their firearms to the State/Territory which offers the "Best price";
- (b) that there be a public education campaign to highlight the firearms amnesty and compensation program;
- (c) to note that the Commonwealth will make a financial contribution to the public education campaign;
- (d) that a 12 month national amnesty be established, during which the public education campaign would persuade firearm owners to comply, and warn of severe penalties where firearms are not voluntarily surrendered;
- (e) that, after the amnesty has concluded, each jurisdiction have severe penalties, which to the extent practicable should be uniform, for breaches of the firearms control laws.

The issues of compensation and amnesty are dealt with first. The issue of severe uniform penalties for breach is dealt with by means of a comparative table.

**New South Wales**

(a) Compensation: the *Firearms Act* 1996, s. 78 provides for compensation for surrendering certain prohibited firearms during the period of 12 months starting on the commencement of this section. The compensation payable is to be determined by the regulations.

(d) Amnesty: Schedule 3, cl. 3 of the Act provides a 12 month amnesty in respect of possession but not use under s. 7 (unauthorised possession and use).

**Queensland**

(a) Compensation: the *Weapons Act* 1990, s. 179 and *Weapons Regulation* 1996 cl. 68- 71.

(d) Amnesty: s. 173 and s. 174.

**South Australia**

(a) Compensation: The schedule to the *Firearms Act* 1977 provides in s. 8 that regulations may provide for compensation. This has been done in the *Firearms (Compensation) Regulations* 1996.

(d) Amnesty: Section 37 provides for the declaration of general amnesty by publication of a notice in the Gazette.

#### **Tasmania**

(a) Compensation: the *Firearms Act* 1996, s. 146 and *Firearms Regulations* 1996, r. 13 - 15.

(d) Amnesty: s. 129, length of amnesty not mentioned.

#### **Victoria**

(a) Compensation: the *Firearms Act* 1996, s. 188 contains a power to approve schemes of compensation.

(d) Amnesty: An amnesty was introduced at the same time as the July/August amendments to the *Firearms Act* 1958 banned semi-automatic weapons.

#### **Western Australia**

There do not appear to be legislative provisions relating to compensation or an amnesty.

#### **Australian Capital Territory**

(a) The Act appears to contain no provisions in relation to compensation.

(d) Section 13 provides for the Minister to publish an amnesty period by notice in the Gazette.

#### **Northern Territory**

(a) Compensation: *Firearms Bill* 1996, cl. 109(b) provides compensation is payable on just terms. The amount is to be determined by the Minister (cl. 109(3)).

(d) Amnesty: provided for in cl. 4(6).

OFFENCE	New South Wales Penalty unit=\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit=\$	South Australia	Tasmania Penalty unit=\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit=\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit=\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Possession of a firearm without licence	7(1) Summary conviction: 50 penalty units and 2 years or both Conviction on indictment: • 10 years (prohibited firearm or pistol) • 5 years in any other case	50 Penalty: (a) for category D, H or R: 100 penalty units or 2 years (b) for category C or E: 60 penalty units or 1 year (c) for category A or B: 20 penalty units or 6 months	11(1) Prescribed firearm: \$20,000 or 4 years Category C, D or H: \$10,000 or 2 years Any other kind: \$5,000 or one year (11(7))	9(1) (possession or use) 50 penalty units or 2 years or both 68(1) Person under 18 must possess a minor's permit 5 penalty units	5(1) (prohibited person not to possess, carry or use) 600 penalty units or 7 years 6 (offence for non-prohibited person to possess, carry or use a firearm unless firearm is registered and person licensed) Penalty: 6(1) (category A longarm) 60 penalty units or 12 months 6(2) (category B longarm) 60 penalty units or 12 months 6(3) (category C longarm) 120 penalty units or 2 years 6(4) (category D longarm) 120 penalty units or 2 years 6(5) (category E longarm) 240 penalty units or 4 years 6(6) (longarm to which (1)-(5) does not apply) 120 penalty units or 2 years 7 (offence for non-prohibited person to possess, carry or use a handgun unless registered and person licensed) 120 penalty units or 2 years 135 (person not to own a firearm unless person authorised by licence to possess firearm) Penalties: Category A or B longarm 60 penalty units or 12 months (135(1)) Category C or D longarm or handgun 120 penalty units or 2 years (135(2)) Category E longarm 240 penalty units or 4 years (135(3))	23(3) Carry or use firearm without licence Indictable – • handgun: 5 years • otherwise: 18 months or \$6,000 Summary – 2 years or \$8,000 19(1)(c) Where – (a) offender refused licence, disqualified or licence revoked (b) handgun (c) number or identification mark defaced or removed (d) firearm altered: 18 months or \$6,000 Otherwise: 6 months or \$2,000 6(1) (possession of firearm, silencer or ammunition prohibited by regulation) Indictable offence and conviction: 5 years Summary conviction: 18 months or \$6,000 fine (6(3)) 7(1) (proclamation requiring surrender in cases of emergency) Indictable offence and conviction: 5 years Summary conviction: 18 months or \$6,000 fine (7(2))	16(1) Prohibited firearm: Natural person: 200 penalty units or 2 years or both Body corporate: 1,000 penalty units Any other kind: Natural person: 100 penalty units or 12 months or both Body corporate: 500 penalty units	58(1) (possession or use) \$5,000 or 12 months 58(7) possession or use of a prohibited firearm \$5,000 or 12 months 25(1) - use of firearm by holder of a collector's licence to which licence does not relate \$5,000 or 12 months 26(1) - use of firearm under a collector's licence to which licence does not relate \$5,000 or 12 months

OFFENCE	New South Wales Penalty unit=\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit=\$	South Australia	Tasmania Penalty unit=\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit=\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit=\$100 (Interpretation Act 1967 s 33AA)	Northern Territory
<b>Possession offences</b>								
Failure to surrender of firearm which comes into the possession of an unauthorised person	60 20 penalty units or 12 months or both	35(5) Acquirer must comply with the Act or surrender under s.30(4) or (5) 20 penalty units or 6 months	35C \$5,000 (The South Australian legislation in principally concerned with executors etc.)	109(1) 50 penalty units or 12 months or both			93 Person: 50 penalty units Corp: 250 penalty units	67(1) \$2,000 or 6 months
Possession or use of a firearm for purpose not authorised by licence	7(2)(a) Summary conviction: 50 penalty units and 2 years or both Conviction on indictment: • 10 years (prohibited firearm or pistol) • 5 years in any other case		11(2) Prescribed firearm: \$20,000 or 4 years Category C, D or H: \$10,000 or 2 years Any other kind: \$5,000 or one year (11(7))				16(2)(a) provides that is offence under 16(1) to use for purpose other than that established as genuine reason for use	
Possession or use of firearm in contravention of firearms prohibition order	74(1) Summary conviction: 50 penalty units and 2 years or both Conviction on indictment: • 10 years (prohibited firearm or pistol) • 5 years in any other case			132(1) 50 penalty units or 2 years or both			112(1) Person: 100 penalty units or 12 months or both Corp: 500 penalty units	
Possession of firearm specified on license issued to another person							105 Person: 100 penalty units or 12 months or both Corp: 500 penalty units	
Possession of firearm for exhibition				12(1) 50 penalty units or 2 years or both				
Possession of heirloom firearm				13(1) 50 penalty units or 2 years or both				

OFFENCE	New South Wales Penalty unit=\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit=\$	South Australia	Tasmania Penalty unit=\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit=\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit=\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Possession offences</b>								
Possession of unsafe firearm				110(1) 50 penalty units or 2 years or both				76 \$5,000 or 12 months
Use of firearm before disposing after licence suspended or cancelled			31A(1) Prescribed or Class C, D or H: \$10,000 or 2 years Any other kind: \$5,000 or 1 year (31A(3))					
Failure to surrender inherited firearm				147(1) 50 penalty units or 2 years or both				
Giving or taking possession to be in person					98(1)(2) Person not a dealer not to take/give possession by any means other than personally receiving/giving possession of the firearm 120 penalty units or 2 years			

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Possession offences</b>								
<i>Miscellaneous possession offences</i>	58 (possession of spare barrel unless licence or permit) 50 penalty units		29A(1) (silencer) \$10,000 or 2 years  29A(2) (possession of a mechanism to convert to automatic firearm or fire grenades unless authorised by licence) \$10,000 or 2 years  29B(1) (possession of receiver of prescribed, Class C or D) \$10,000 or 2 years  29B(2) (possession of receiver of any other type) \$5,000 or 1 year	118(1) (keep, possess, sell or manufacture silencer) 50 penalty units or 2 years or both  107 (possession of firearm parts unless authorised by a licence) 50 penalty units  118(2) (Possession of magazine for more than 5 rounds or for use with self-loading rifle) 50 penalty units or 2 years or both	5(2) (prohibited person not to possess, carry or use (a) a silencer or (b) any other prescribed item) 240 penalty units or 4 years  57(1) (non-prohibited person not to possess, carry or use (a) a silencer or (b) prescribed item unless under permit) 120 penalty units or 2 years	23(7) (silencer) 12 months or \$4,000  23(6) (using a silencer) 18 months or \$6,000	91 (possession of spare barrel unless licence or permit) Person: 50 penalty units Corp: 250 penalty units	77(1) (possession or use of silencer) \$2,500 or 6 months  77(2) (possession or use of machine gun) \$5,000 or 12 months
<b>Acquire/purchase of firearms</b>								
Acquiring a firearm without a licence or permit	50 (person not to purchase firearm unless authorised to possess by licence or permit and permit to acquire) Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: • 10 years (prohibited firearm or pistol) • 5 years in any other case	35(1) Penalty: (a) for category D, H or R - 100 penalty units or 2 years (b) for category C or E - 60 penalty units or 1 year (c) for category A or B - 20 penalty units or 6 months  35(2) If through dealer, (a) acquirer to give dealer copy of permit to acquire (b) dealer to give authorised officer copy of permit to acquire 20 penalty units or 6 months	14(1) Prescribed or Class C, D or H or receiver suitable: \$10,000 or 2 years Any other kind: \$5,000 or 1 year	10(1) (requires licence and permit) 50 penalty units or 2 years or both	102 (offence to acquire a firearm without a permit to acquire) Penalty: category A or B longarm - 60 penalty units or 12 months (100(1)) category C or D longarm or handgun - 120 penalty units or 2 years (100(2)) category E longarm - 240 penalty units or 4 years (100(3))	19(2)(b)	83 (person not to purchase firearm unless authorised to possess by licence or permit and permit to acquire) Person: 100 penalty units or 12 months or both Corp: 500 penalty units	62(1) (purchase or acquire) \$5,000 or 12 months where Category A or B - \$1,000 or 3 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Acquire/purchase of firearms</b>								
Purchasing firearm except from dealer or where arranged through dealer or through dealer as agent or where police officer witnesses	51(2) 50 penalty units or 2 years or both				95(1) (category A or B longarm) 60 penalty units or 12 months  95(2) (category C or D longarm or handgun) 120 penalty units or 2 years  95(3) (category E longarm) 240 penalty units or 4 years		84(2) Person: 100 penalty units or 12 months or both Corp: 500 penalty units	63(2) \$2,000 or 6 months
Selling or giving possession of firearm to a person knowing that person prohibited from possessing firearms under prohibition order	74(2) Summary conviction: 50 penalty units and 2 years or both Conviction on indictment: • 10 years (prohibited firearm or pistol) • 5 years in any other case			132(2) 50 penalty units or 2 years or both			112(2) Person: 100 penalty units or 12 months or both Corp: 500 penalty units	
Acquiring firearm by person with licence on which no firearm specified with 28 days of issue of that licence							84(4) Person: 100 penalty units or 12 months or both Corp: 500 penalty units	
Person not a dealer not to purchase firearm from anyone but a dealer				24 50 penalty units				
Receiving firearm where licence suspended and not notifying the Registrar			31A(4) \$5,000					



OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Acquire/purchase of firearms</b>								
Control of acquisition from place outside State					99 (dealer acquiring firearm from a place outside Victoria is not to take possession except from person who holds a dealers licence in that place) Penalty: category A or B longarm - 60 penalty units or 12 months (99(1)) category C or D longarm or handgun - 120 penalty units or 2 years (99(2)) category E longarm - 240 penalty units or 4 years			
Purchase by dealer					93(1) (dealer not to acquire category A or B longarm except from person listed in 93(4)) 60 penalty units or 12 months  93(2) (dealer not to acquire category C or D longarm or handgun except from person listed in 93(4)) 120 penalty units or 2 months  93(3) (dealer not to acquire category E longarm or firearm to which (1) or (2) do not apply except from person listed in 93(4)) 240 penalty units or 4 years  93(4) may be acquired from- (a) another licensed dealer (b) person authorised by licence under Act to possess, carry or use (c) person exempted from requirement to have licence (d) deceased estate (e) other person authorised by Act or Commonwealth Act			

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Supply/provide/make/disposal of firearms								
Supplying/providing/selling a firearm to a person without a licence	44(2) 50 penalty units or 2 years or both  (Act specifies only selling and requires that purchaser have both licence or permit to possess and permit to acquire (s.44(2)))  [surely this section is limited to dealers?]		14(2) (selling, giving, lending or hiring)  14(5) (selling, giving, lending or hiring a receiver of a firearm to another person unless in accordance with the Act)  Prescribed or Class C, D or H or receiver suitable: \$10,000 or 2 years Any other kind: \$5,000 or 1 year			19(2)(a) (includes firearm or ammo) 19(2)(c) (permitting another person to be in possession)		62(2) (sale or disposition) \$5,000 or 12 months where Category A or B - \$1,000 or 3 months  73 (hiring) \$1,000 or 3 months  88 (knowingly permit unlicensed person to take possession) \$5,000 or 12 months
Selling firearm except to dealer or where arranged through dealer or where police officer witnesses	51(1) 50 penalty units or 2 years or both	36(1) Penalty: (a) for category D, H or R: 100 penalty units or 2 years (b) for category C or I: 60 penalty units or 1 year (c) for category A or B: 20 penalty units or 6 months  36(2) where sold 'under other lawful authority', must give information prescribed by regulation 60 penalty units or 1 year			45(3) (disposal of category A or B longarm must be to dealer) 60 penalty units or 12 months  45(4) (disposal of category C or D longarm or handgun must be to dealer) 120 penalty units or 2 years  45(5) (disposal of category E longarm must be in manner specified by licence) 240 penalty units or 4 years		84(1) Person: 100 penalty units or 12 months or both Corp: 500 penalty units	63(1) \$2,000 or 6 months

OFFENCE	New South Wales Penalty unit—\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit—\$	South Australia	Tasmania Penalty unit—\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit—\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit—\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Supply/provide/sale/disposal of firearms								
Prohibition on acquiring firearm except from licensed dealer unless engages dealer as agent					95(1) (category A or B longarm) 60 penalty units or 12 months  95(2) (category C or D longarm or handgun) 120 penalty units or 2 years  95(3) (category E longarm) 240 penalty units or 4 years			
Sell or give possession of unsafe firearm	61 50 penalty units or 2 years or both						94 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	
Disposal of firearms to minors					136 240 penalty units or 4 years		84(3) Person: 100 penalty units or 12 months or both Corp: 500 penalty units	

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Supply/provide/sale/disposal of firearms								
Disposal by dealer					<p>94(1) (dealer not to dispose of category A or B longarm except to person listed in 94(4)) 60 penalty units or 12 months</p> <p>94(2) (dealer not to dispose of category C or D longarm or handgun except to person listed in 94(4)) 120 penalty units or 2 months</p> <p>94(3) (dealer not to dispose of category E longarm or firearm to which (1) or (2) do not apply except to person listed in 94(4)) 240 penalty units or 4 years</p> <p>94(4) may be acquired from- (a) another licensed dealer (b) person authorised by licence under Act to possess, carry or use (c) person exempted from requirement to have licence (d) member of police force acting in duty</p>			
Control of disposal to place outside State					<p>100 (dealer disposing of firearm to a place outside Victoria is not to give possession except to person who holds a dealers licence in that place) Penalty: category A or B longarm - 60 penalty units or 12 months (99(1)) category C or D longarm or handgun - 120 penalty units or 2 years (99(2)) category E longarm - 240 penalty units or 4 years</p>			

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Supply/provide/sale/disposal of firearms								
Contravention or failure to comply with provisions concerning transfer of possession in 15B(1)-(12)			15B(13) Prescribed or Class C, D or H: \$10,000 or 2 years Any other kind: \$5,000 or 1 year					
Dealer or authorised officer who contravenes or fails to comply with requirement of section			15C(4) \$5,000					
Offences pertaining to licences								
Contravention or failure to comply with condition of a licence	7(2)(b) Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: • 10 years (prohibited or pistol) • 5 years in any other case		21 Prescribed or Class C, D or H: \$10,000 or 2 years Any other kind: \$5,000 or 1 year	48 ('The holder of a licence must comply with any condition specified in the licence') 50 penalty units	36(1) (category A or B longarms) 60 penalty units or 12 months 36(2) (category C or D longarms or handgun) 120 penalty units or 2 years 36(3) (category E longarms) 240 penalty units or 4 years 36(4) (junior, collectors, heirlooms or ammo collectors licence) 60 penalty units or 12 months 68 (dealers licence) 60 penalty units	21(2) 12 months or \$4,000	16(2)(b) provides that is offence under 16(1) to contravene any condition of a licence Penalties (16(1)) Prohibited firearm: Natural person: 200 penalty units or 2 years or both Body corporate: 1,000 penalty units Any other kind: Natural person: 100 penalty units or 12 months or both Body corporate: 500 penalty units	85 \$5,000 or 12 months 40(1)(c) contravention is grounds for cancellation of licence

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Offences pertaining to licences								
Failure to comply with condition of a permit				64 50 penalty units	56(8) (comply with conditions of permit to display firearms or ammo collections) 60 penalty units or 12 months  57(6) (comply with conditions of permit re silencer or prescribed item) 120 penalty units or 2 years  58(6) (comply with conditions of permit re firearms under collectors licence) 120 penalty units or 2 years  92(7) (dealer to comply with conditions of permit to display) 60 penalty units or 12 months  109(2) (comply with conditions of permit to acquire) 30 penalty units			40(1)(c) contravention is grounds for cancellation of licence
Comply with permit					186(4) (temporary visitor) 60 penalty units or 12 months			
Failure to surrender firearm and licence when licence suspended, revoked, cancelled	25 50 penalty units or 2 years or both			54(4) 50 penalty units or 2 years or both	53(1)- (a) if served personally, surrender immediately (including ammo) (b) if served by post, surrender within 7 days to police station 240 penalty units or 4 years  53(4) if licence cancelled, must dispose of firearm within- (a) 28 days (if no appeal) (b) 28 days of confirmation of decision 60 penalty units or 12 months  83 (dealers licence) 240 penalty units or 4 years		42(1) person: 50 penalty units or 6 months or both Corp: 250 penalty units	40(4) (licence, permit or certificate) \$5,000 or 12 months  42(2) (upon suspension of licence, permit or certificate by police officer) \$5,000 or 12 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 36)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Offences pertaining to licences								
Failure to surrender firearm and permit when permit surrendered or revoked	32(6) 50 penalty units or 2 years or both			68 ('If a permit is suspended or cancelled, the person to whom it was issued must surrender the permit.') 20 penalty units or 2 years or both	112(1) (permit to acquire surrendered or cancelled) 60 penalty units or 12 months  112(3) (dispose of firearm within 28 days of licence [sic] being cancelled) 60 penalty units or 12 months (Note the error in 112(3))		47(6) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	34(5) (permit) \$1,000 or 3 months  40(4) (licence, permit or certificate) \$5,000 or 12 months
Nominated persons					40(1) (if person becomes prohibited person, must nominate another person for storage and management of firearms and immediately notify Commissioner) 60 penalty units or 12 months  40(2) (notification of replacement of nominated person) 20 penalty units  40(3) (notice to be in writing, accompanied by proof of identification of person and full set of person's fingerprints) 20 penalty units			
Holder of licence must not possess or use licence for any purpose not specified in licence or on premises not specified in the licence (when those specifications are made)				26 Holder of dealer's licence: 100 penalty units Other licence: 50 penalty units				
Notification of loss, theft or destruction of licence		22 (immediately after becomes aware) 10 penalty units					35(2) within 7 days person 10 penalty units Corp 50 penalty units	90(4) (within 2 working days \$500 or 14 days
Notification of loss, theft or destruction of permit		46 (immediately after becomes aware) 10 penalty units						90(4) (within 2 working days \$500 or 14 days

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Offences pertaining to licences								
Failure to return suspended or cancelled licence		30(3) (must comply with directions of revocation notice) 20 penalty units or 6 months	21 AB(1) \$5,000 (s.21 AB(3))					
Misuse of licence or permit (including false representation as holder, forgery, fraudulently alter, give to another person etc)	71 50 penalty units or 2 years or both			123 50 penalty units or 2 years or both			108 Person: 100 penalty units or 12 months or both Corp: 500 penalty units	71 \$5,000 or 12 months
Failure to return licence to make or alter endorsements			21 AB(2) \$5,000 (s.21 AB(3))					
Extract of Licence (exemption from licence etc. under the Act)						22A(2)(a) requirement to keep in possession at all times Penalty: \$1,000  22A(2)(b) immediate production upon request Penalty: \$1,000  22B Requirements about return of extract Penalty: \$1,000  22C Offences relating to Extract of Licence Penalty: \$2,000		
Contravention of requirement of Registrar cancelling endorsement of licence							60 Person: 10 penalty units Corp: 50 penalty units	
Transfer or attempt to transfer a licence				50 50 penalty units				



OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Ammunition offences</b>								
Possess ammo without licence	65(3) 50 penalty units			105(3) 50 penalty units	8 (acquire, dispose of, possess or carry ammo for purposes of collecting ammo) 60 penalty units or 12 months  124(1) 40 penalty units  124(2) (possession of ammo not suitable for use in category of firearms for which person licensed) 10 penalty units  124(3) (possession of ammo for firearm, licence of which person is exempted) 10 penalty units	19(1)(c) Where – (a) offender refused licence, disqualified or licence revoked (b) handgun (c) number or identification mark defaced or removed (d) firearm altered: 18 months or \$6,000  Otherwise: 6 months or \$2,000	99(1) Person: 10 penalty units Corp: 50 penalty units	69(2) (licence to possess firearm that takes the ammo) \$1,000 or 3 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Ammunition offences</b>								
Purchase/acquire ammo unless holder of licence or permit	65(2) 50 penalty units  (Section 65(2) requires that the purchaser (a) have a licence or permit for the firearm that takes the ammo and (b) by authorised by permit or by the Commissioner to buy the ammo, and provides that the purchaser cannot exceed the amount of ammo prescribed by the Regulations.)		21B(1) (21B(2) makes it an offence) \$10,000 or 2 years (21B(8))  Also an offence to accept the ammunition as a gift (s.21B(1))	105(2)(a) ('acquire' rather than 'purchase') 50 penalty units		19(1)(b) Where – (a) offender refused licence, disqualified or licence revoked (b) handgun (c) number or identification mark defaced or removed (d) firearm altered: 18 months or \$6,000  Otherwise: 6 months or \$2,000  (19(2)(b) makes it an offence to purchase firearm or ammo from person without a licence)	98(3) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	
Sell or supply ammo to person not holder of licence for firearm designed to fire that ammo or not holder of permit	65(1) 50 penalty units		21B(5) \$10,000 or 2 years (21B(8))	105(1)(a) 50 penalty units	125 60 penalty units or 12 months	19(2)(a) Handgun: 18 months or \$6,000 Otherwise: 6 months or \$2,000  (Section 19(2)(c) makes it an offence to permit another person to come into possession.)  30(1) (limited to dealers) \$1,000  (Note also 30(3) which requires dealer to keep records of ammo sales)	98(2) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	69(1) \$1,000 or 3 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Ammunition offences</b>								
Possession of ammo in contravention of limit imposed by regulations	65(2) (in purchase of ammo, can't exceed the amount prescribed by regulations) 50 penalty units		21BB(2) (Regulation enacted under 21BB(1), 28A of regulations) \$5,000	105(2)(b) 50 penalty units  ('the amount of ammunition that is acquired during any prescribed period does not exceed any prescribed amount')				13(1)(d) - is general condition of licence that person not impose any limit on amount of ammunition, if any, authorised by the Commissioner
Sell ammo unless dealer				105(1)(b)(ii) 50 penalty units		19(1)(a) Where – (a) offender refused licence, disqualified or licence revoked (b) handgun (c) number or identification mark defaced or removed (d) firearm altered: 18 months or \$6,000  Otherwise: 6 months or \$2,000	98 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Ammunition offences</b>								
Dealer not to sell ammo unless not prohibited by law of another State or Territory							98(4) Person: 50 penalty units Corp: 250 penalty units	
Sale of ammo by authorised members of shooting clubs							98(5) Person: 50 penalty units Corp: 250 penalty units	
<b>Registration of firearms</b>								
Possession of unregistered firearm	36(1) (includes purchase, possession or use of a firearm which is not registered) Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: • 10 years (prohibited firearm or pistol) • 5 years in any other case		23(1) Prescribed or Class C, D or H: \$10,000 or 2 years Any other kind: \$5,000 or 1 year (23(5))	74(1) (includes sell, acquire, possess or use ) 50 penalty units or 2 years or both			53(1) (includes purchase, possession or use of a firearm which is not registered) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	59 Other than dealer, person not to sell, purchase, possess or use a firearm that is not registered \$5,000 or 12 months where Category A or B - \$1,000 or 3 months
Owner of firearm not registered in the name of the owner			23(3) Prescribed or Class C, D or H: \$10,000 or 2 years Any other kind: \$5,000 or 1 year (23(5))					
<b>Requirements relating to registered firearms</b>								
Person in whose name firearm registered to produce for inspection when required				82 (inspection at reasonable time) 20 penalty units			54(1)(a) (pertains to inspection by police officer) Person: 50 penalty units Corp: 250 penalty units	96(3) \$2,000 or 6 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Ammunition offences</b>								
Providing information to Commissioner					115(1) (person who brings firearm into the State for purposes of keeping it in the State must give notice to the Commissioner) 240 penalty units or 4 years  115(2) (notice must be in approved form and given within 7 days after firearm brought in) 30 penalty units  116(1) (person who removes firearm into the State for purposes of no longer keeping it in the State must give notice to the Commissioner) 240 penalty units or 4 years  116(2) (notice must be in approved form and given within 7 days after firearm brought in) 40 penalty units			
<b>Provision of Information to authorities</b>								
Failure to comply with 25(1) (requiring notice of alteration affecting nature of performance)			25(2) \$5,000					
Failure to notify of change of address	69 (7 days) 50 penalty units	24(2) (provides that notification is a condition of licence) (14 days) 60 penalty units or 1 year (34(1))	21A (14 days) \$2,500  26 (when owner of registered firearm) \$2,500		139 (within 7 days) 30 penalty units		106 (7 days) Person: 10 penalty units Corp: 50 penalty units	90 (10 days) \$1,000 or 3 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Provision of information to authorities								
Failure to notify of loss, destruction or theft of firearm				(Person in whose name firearm registered to give notification within 7 days when firearm sold, lost, stolen) 80(1) (sale) 80(2) (loss or theft) 50 penalty units	140 (within 24 hours) 30 penalty units	30B(1) and (2) To be reported as soon as practicable \$1,000	110 within 2 days Person: 10 penalty units Corp: 50 penalty units  54(1)(b) (registered firearm) Person: 50 penalty units Corp: 250 penalty units	90(2) (within 2 working days) \$5,000 or 12 months
Providing information which is false and misleading	70 Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: • 10 years (prohibited firearm or pistol) • 5 years in any other case	152(2) 20 penalty units	28(1) \$10,000 or 2 years	126 50 penalty units or 2 years or both	138 (cause to made a false or misleading entry in register or other record required to be kept under the Act) 240 penalty units or 4 years		107 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	89(1) \$5,000 or 12 months  89(2) (false entry onto record, return or register) \$5,000 or 12 months  89(3) (falsely state that firearm disposed of, lost or stolen) \$10,000 or 2 years
Requirement to furnish or verify information to the Registrar/Commissioner			13(8a) \$5,000		119(2) (within 7 days of notice in writing from Commissioner under 119(1) requiring information relating to acquisition, disposal or possession of firearms) 60 penalty units or 12 months			
Contravention of requirement to notify Registrar of change in particulars (ie as member, principal or employee)							61(1) Person: 10 penalty units Corp: 50 penalty units	
Failure to notify the Commissioner of change in any particulars specified in the licence				57 50 penalty units				90(3) (without delay) \$1,000 or 3 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Provision of information to authorities								
Requirement to comply with notice by Commissioner to supply particulars relating to acquisition, disposition and possession by the dealer of the firearm within 48 hours				96(1) and (2) 20 penalty units				
Provide Registrar with details within 7 days of acquiring				81 50 penalty units			54(2) Person: 50 penalty units Corp: 250 penalty units	
Alteration of notice of registration							55 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	60 \$2,000 or 6 months
Failure to notify when person ceases to be employed by composite entity							61(2) Person: 10 penalty units Corp: 50 penalty units	
Notice to Registrar when storing firearms			35D \$5,000					
<b>Alcohol and drugs</b>								
Handling firearm under the influence of drugs or alcohol	64(1) Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: 5 years	59(2) (physical possession or use) 20 penalty units	29(1) \$10,000 or 2 years	120(1) 50 penalty units or 2 years or both	132(1) (carry or use; intoxicating liquor or drug) 120 penalty units or 2 years	23(2) If loaded: 18 months or \$6,000 Otherwise: 12 months or \$4,000	97(1) (includes possess carry or use) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	86 (firearm under actual possession) \$5,000 or 12 months
Transfer possession of firearm to a person under the influence of drugs or alcohol	64(2) Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: 5 years		29(2) \$10,000 or 2 years	120(2) 50 penalty units or 2 years or both	133 (intoxicating liquor or drug) 120 penalty units or 2 years	23(1) 12 months or \$4,000	97(2) Person: 100 penalty units or 12 months or both Corp: 500 penalty units	87 (includes person of unsound mind (87(b)) \$5,000 or 12 months
<b>Transportation/ delivery offences</b>								
In business of carrying goods, carrying firearm and ammo in the same vehicle			35A(1) \$5,000	103 50 penalty units			89 Person: 50 penalty units Corp: 250 penalty units	
May deliver firearm only in person or by means by which security ensured	55 50 penalty units			102(1) 50 penalty units			88 Person: 50 penalty units Corp: 250 penalty units	

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Transportation/ delivery offences</b>								
Dispatch of weapon must be in way prescribed by regulation	56 and 57 50 penalty units	66 60 penalty units or 1 year	35A(2)					
Use of mail to send firearms within State/Territory	52 50 penalty units			100 50 penalty units		30A(3) \$1,000	85 Person: 50 penalty units Corp: 250 penalty units	64 \$2,000 or 6 months
Use of mail to send firearms outside State/Territory	53 50 penalty units			101 50 penalty units		30A(3) Must be addressed to lawful dealer and cannot contain ammo \$1,000	85 Person: 100 penalty units or 12 months or both Corp: 500 penalty units	65 \$2,000 or 6 months
<b>Advertising</b>								
Requirements in any advertisement for sale of firearm		37 Must state serial number 10 penalty units	35B (must include statement about witnesses to sale) \$2,500		101(3) (ad must contain serial number of firearm and licence number of person) 10 penalty units	30A(1) (must include details of type, make, serial number and calibre) \$1,000  30A(2) (dealer must include licence number and business name or details to identify the holder of the licence) \$1,000		
No advertising sale of firearms unless by dealer or arranged through dealer	54 50 penalty units			106 50 penalty units	101(1) 40 penalty units		87 Person: 50 penalty units Corp: 250 penalty units	
<b>Safekeeping/storage</b>								
General requirements (eg. kept safely, not be stolen or lost, not into possession of person not authorised)	39 50 penalty units or 2 years or both (if prohibited firearm or pistol) 20 penalty units or 12 months or both in any other case	60 60 penalty units or 1 year		84 Prohibited firearm: 50 penalty units or 2 years or both Any other firearm: 20 penalty units or 12 months or both		23(9)(d) \$1,000	62 Person: 20 penalty units Corp: 100 penalty units	45(1) \$5,000 or 12 months  (47 - seizure by police officer if belief on reasonable grounds that requirements not met)
Requirements for Category A and B	40 20 penalty units or 12 months or both			85(1) 20 penalty units or 12 months or both	121(1) 60 penalty units or 12 months		63 Person: 50 penalty units Corp: 250 penalty units	46(1) (storage requirements that apply to that weapon) \$5,000 or 12 months



OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Safekeeping/storage</b>								
Requirements for Category C, D and H	41 50 penalty units or 2 years or both			86(1) 50 penalty units or 2 years or both	121(2) (C or D longarm or handgun) 120 penalty units or 2 years		64 Person: 50 penalty units Corp: 250 penalty units	46(1) (storage requirements that apply to that weapon) \$5,000 or 12 months
Requirements for Category E					121(3) (in manner provided for by Chief Commissioner) 240 penalty units or 4 years			
Comply with directions given under approval of storage								\$5,000 or 12 months Corp - \$20,000
Firearms collectors, heirlooms, ammunition collectors					122(1) (firearm other than category E under collectors licence) 120 or 2 years  120(2) (category E under collectors licence) 240 or 4 years  120(3) (heirlooms licence) 10 penalty units  120(4) (ammunition) 10 penalty units			
<b>Dealing in firearms</b>								
Dealers to be licensed	43 Summary conviction: 50 penalty units or 2 years or both Indictment: 7 years	68(1) Person not to deal in weapons unless licensed (no penalty specified)	16 \$10,000 or 2 years	11(1) 50 penalty units or 2 years or both	59(1) (category A or B longarm) 120 penalty units or 2 years  59(2) (category C, D or E longarm or handguns or any firearms to which 59(1) does not apply) 240 penalty units or 4 years	19(4)(a) Indictable offence and conviction: 5 years Summary: 18 months or \$6,000	66 Person: 100 penalty units or 2 months or both Corp: 500 penalty units	16 (defines what a dealer licence is) 22 (defines what an armourer licence is)
Dealer not to purchase firearm from person without a permit	44(1) 50 penalty units or 2 years or both			25(1) 100 penalty units			67(1) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	
Dealer not to sell firearm except to another licensed dealer unless person with licence or permit to possess and permit to acquire	44(2) 50 penalty units or 2 years or both			25(2) 100 penalty units			67(2) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Dealing in firearms</b>								
Dealer who fails to keep prescribed records or fails to submit prescribed returns	45(1) 50 penalty units	71(1) (keep weapons register on premises) 20 penalty units or 6 months  (same rule applies to collectors (s.81(1) and theatre ordinance suppliers (s.117(1)))	18 \$5,000	89(1) (keep records) 50 penalty units	87(1) (keep records) 120 penalty units or 2 years  87(4) (make record of transaction immediately) 30 penalty units  87(5) (keep records for 5 years) 30 penalty units	31(2) Limited to acquisition of ammo and no requirement to submit to Commissioner \$1,000	68(3) Person: 50 penalty units Corp: 250 penalty units	18(1) (keep records) 18(2) (enter details into register within 24 hours) \$2,000 or 6 months  Armourer: 22(5) \$2,000 or 6 months
Failure to record particular details required in records	45(2)-(7) 20 penalty units	71(2) 20 penalty units or 6 months  (same rule applies to collector s.81(2) and theatre ordinance suppliers (s.117(1)))		(presumably 89(1) applies)	87(2) 120 penalty units or 2 years		68(2)-(6) Person: 50 penalty units Corp: 250 penalty units	
Safekeeping of records	47(4) 50 penalty units			99 20 penalty units	87(3) 60 penalty units or 12 months		70(4) Person: 50 penalty units Corp: 250 penalty units	18(7) \$2,000 or 6 months
Returns of records	46(1) (quarterly) 50 penalty units	72 Annual return of particulars of all schedule 1 and 2 weapons		93(1) (quarterly) 50 penalty units	118 (each transaction within 7 days) 60 penalty units or 12 months		69 (quarterly) Person: 10 penalty units Corp: 50 penalty units	18(3) (quarterly) \$2,000 or 6 months
Production of records and firearms on demand by police officer				90 50 penalty units	89 (police officer has power to ask for production of records and firearms; no penalty specified)  90 (production of licence) 10 penalty units	31(3) \$1,000		18(4) (records) 19 (firearm) \$2,000 or 6 months  Armourer - 23 (records) \$2,000 or 6 months  Collector - 24(3)(a) (records) 24(3)(b) (firearms)
Alteration of dealings record to be by interlineation and not erasure				91 20 penalty units				18(5) \$2,000 or 6 months

OFFENCE	New South Wales Penalty unit—\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit—\$	South Australia	Tasmania Penalty unit—\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit—\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit—\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Dealing in firearms</b>								
Upon ceasing to hold dealer's licence, must supply Commissioner with dealings record for 2 year's dealings				92 50 penalty units				
Possession by dealer		74 Possession of weapon not entered in register taken to contravene s.50						
Fees charged by dealer					97 Dealer acting as agent must not charge more than the prescribed fee 10 penalty units			
Employees and nominated persons					75(1) (inform Commissioner of employment of employees 60 penalty units or 12 months)  75(2) (nomination of nominated person) 60 penalty units or 12 months  75(3) (notification of replacement of nominated person) 20 penalty units  75(4) (notice to be in writing, accompanied by proof of ID and full set of fingerprints) 20 penalty units			
Additional requirements of dealers (eg. labels)	47 50 penalty units			94(1) 20 penalty units	88 (firearms to be labelled with transaction details) 10 penalty units		70(1) Person: 10 penalty units Corp: 50 penalty units	
Failure by dealer to notify of theft, loss, destruction of firearm	47(3) 50 penalty units			95(1) As soon as practicable and not later than within 24 hours 20 penalty units			70(2) Within 24 hours Person: 50 penalty units Corp: 250 penalty units	18(6) (24 hours) \$2,000 or 6 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Dealing in firearms</b>								
Possession for repair without licence or permit and registration of owner	47(5) 50 penalty units			98(1) 20 penalty units		19(4)(b) (concerned with licence to repair rather than licence of owner) Indictable: 5 years Summary: 18 months or \$6,000	70(5) Person: 50 penalty units Corp: 250 penalty units	
Dealer not to perform repairs on an unregistered firearm	47(6) 50 penalty units			98(2) 50 penalty units			70(6) Person: 50 penalty units Corp: 250 penalty units	
Security/safekeeping of firearms by dealer	48 50 penalty units			97 50 penalty units	92 (firearms on display to be secured) 120 penalty units or 2 years  123(1) (category A or B longarm) 60 penalty units or 12 months  123(2) (category C or D longarm or handgun) 120 penalty units or 2 years  123(3) (category E longarms) 240 penalty units or 4 years	32 (safe keeping when premises not open for trade) \$2,000	71 Person: 50 penalty units Corp: 250 penalty units	17(1) Armourer - 22(3) Collector - 24(2) \$5,000 or 12 months
Defacing or altering identification marks	66 Summary conviction: 50 penalty units or 2 years or both Indictment: 5 years	63 (includes possess, acquire or sell) 60 penalty units or 1 year		124 50 penalty units or 2 years or both	134(3) 240 penalty units or 4 years	23(5)(a) 23(5)(b) (possession of firearm with defaced identification mark) Indictable - * handgun: 5 years * otherwise: 18 months or \$6,000 Summary - 2 years or \$8,000	102 Person: 100 penalty units or 12 months or both Corp: 500 penalty units	74 \$2,000 or 6 months
Pawning firearms	67 50 penalty units or 2 years or both			121 50 penalty units or 2 years or both			103 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	70 \$1,000 or 3 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
<b>Modification of firearms</b>								
Modification of firearm		62(1) (modify construction or action; includes possess, acquire or sell) 60 penalty units or 1 year  62(2) (make operable a weapon that is inoperable) 60 penalty units or 1 year		117 (altering construction and action of firearm) 50 penalty units or 2 years or both		23(5)(c) ('alters a f') or is in possession of a firearm so altered Indictable - • handgun: 5 years • otherwise: 6 months or \$2,000 Summary - 12 months or \$4,000	100 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	68 \$5,000 or 12 months  75 (convert toy gun into firearm) \$5,000 or 12 months
Shortening firearms	62 Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: 10 years	61 (includes possess, acquire or sell) 60 penalty units or 1 year		116 50 penalty units or 2 years or both	134(1) 240 penalty units or 4 years		95 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	
Converting firearm to pistol without licence	63(1) Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: 10 years						96(1) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	
Altering firearm which has been rendered permanently inoperable					134(2) 240 penalty units or 4 years			
Converting prohibited firearm to non-prohibited firearm	63(2) Summary conviction: 50 penalty units or 2 years or both Conviction on indictment: 10 years						96(2) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	
Failure to get approval of modification within 7 days							101 Person: 10 penalty units Corp: 50 penalty units	

OFFENCE	New South Wales Penalty unit—\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit—\$	South Australia	Tasmania Penalty unit—\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit—\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit—\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Complying with police directions								
Production of licence or permit on demand of police officer		132 20 penalty units or 6 months	31(1) \$5,000	122(1) (if not immediate, then within 7 days) 50 penalty units	150(2) 30 penalty units			96(1)(c) \$2,000 or 6 months  96(2) when category A or B, must produce certificate of registration or permit at time and place that police officer specifies \$2,000 or 6 months
Holder of licence or permit to state full name or address on demand of police officer				122(2) 50 penalty units				95 (but only when in possession of firearm) \$2,000 or 6 months
Comply with requirement of police officer to hand firearm for examination				134(3) 20 penalty units or 12 months or both				
Comply with requirement of police officer exercising power of search or arrest under the Act				135(3) 20 penalty units or 12 months or both				
Comply with requirement or direction given by police officer under the Act								91 \$2,000 or 6 months
Requirement to give personal information				138(2) 10 penalty units				
Failure to produce firearm stamped in accordance with 24A			24A(5) Prescribed or Class C, D or II: \$10,000 or 2 years Any other kind: \$5,000 or 1 year					
Failure to provide information to police officer			30(3) \$5,000 or 1 year					
Hinder or restrict police officer acting under powers of Act			33 \$5,000					
'On-the-spot' inspection Inspection of firearm and licence at demand of police officer at any time	59 20 penalty units or 12 months or both			108(1) 20 penalty units	120 (firearm at any reasonable time) 60 penalty units or 12 months	(powers of police contained in 24(1), (2a), (3) and (4)) 24(6) \$2,000	92 50 penalty units	

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Complying with police directions								
Licence or permit must be produced on demand	68 50 penalty units						104 Person: 50 penalty units Corp: 250 penalty units	
Contravention of direction by police officer regarding unsafe firearm under 74(3)(d)							74(4) Person: 50 penalty units or 6 months or both Corp: 250 penalty units	
Failure to comply with requirement under 74(3)(f) [furnish info etc] or (g) [give assistance]							74(5) Person: 50 penalty units Corp: 250 penalty units	
Obstruction of police officer				128 20 penalty units or 12 months or both			79 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	
Conduct when using or in possession of firearms								
Must carry licence when in physical control/possession of firearm			29C(1) \$5,000					96(1)(a) \$2,000 or 6 months  96(1)(b) where Category C, D or H, carry certificate of registration \$2,000 or 6 months
Possession of firearm in street or public place		57(2) (carry exposed to view) 20 penalty units or 3 months  57(3) (carry weapon capable of being discharged) 60 penalty units or 1 year		111(1) (possession of loaded firearm in a vehicle in a public place) 50 penalty units or 2 years or both  111(2) (possession of loaded firearm in public person unless for a purpose to which licence relates) 50 penalty units or 2 years or both	130(1) (carry a loaded firearm or use in town or populous place or thoroughfare or place open to or used by public for passage with vehicles) 60 penalty units or 12 months		80(1) 100 penalty units or 12 months or both	78(2) (carrying firearm exposed to public view) \$2,000 or 6 months  78(3) (carry loaded firearm in public place) \$2,000 or 6 months

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Conduct when using or in possession of firearms								
Possession so as to endanger life							80(2) (in general) 50 penalty units or 6 months or both	
Carrying firearm with disregard for public safety						23(9)(a) (includes actual physical control) \$1,000	82 50 penalty units or 6 months or both	
Carrying firearm with criminal intent				114(1) 50 penalty units or 2 years or both				
Dangerous conduct prohibited		58(2) 100 penalty units or 2 years						
For purposes of committing an indictable offence, carry firearm which is concealed from view					132(2) 240 penalty units or 4 years			
Pointing a firearm at another person						23(8) 2 years or \$8,000		83 \$5,000 or 12 months
Comply with regulations when carrying a firearm	57 (prohibited firearm or pistol) 50 penalty units		35A(2) (class C, D or II or prescribed firearm) \$5,000	104 (pistol or prohibited firearm) 20 penalty units			90 (prohibited firearm or pistol) Person: 50 penalty units Corp: 250 penalty units	66 comply with prescribed safety requirements when carrying firearm or pistol \$1,000 or 3 months
Uses firearm without permission on land belonging to another		56(2) 20 penalty units or 3 months		23(2) (person using firearm for recreational hunting or vermin control provide, if required, the Commissioner with document giving permission to shoot on land) 20 penalty units	131(1) ((a) possess, carry or use, (b) discharge across private property without consent of owner) 60 penalty units or 12 months	23(10) \$1,000		79 (discharge) \$5,000 or 12 months  81(2) Crown land \$1,000 or 3 months (land needs be specified by notice under 81(1))
Carries firearm without permission on land belonging to another		56(3) (unless unloaded) 20 penalty units				23(10a) \$1,000		80 (possess) \$2,000 or 6 months



OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Conduct when using or in possession of firearms								
Permitting carrying or use of firearm by person not licensed					127(1) (category A or B longarm) 60 penalty units or 12 months  127(2) (category C or D longarm or handgun) 120 penalty units or 2 years  127(3) (category E longarm) 240 penalty units or 4 years			
Damage property with firearm					128 120 penalty units or 2 years			
Use firearm in a dangerous manner					129 120 penalty units or 2 years			
Safekeeping of firearms and ammo while being carried or used					126 (must be carried and used in manner that is secure and not dangerous and must take reasonable precautions to ensure that not stolen) Penalties: 126(1) (category A or B longarm) 60 penalty units or 12 months 126(2) (category C or D longarm or handgun) 120 penalty units or 2 years 126(3) (category E longarm) 240 penalty units or 4 years 126(4) (ammunition) 60 penalty units or 12 months			

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Discharge of firearm		57(4) (discharge in public place) 100 penalty units or 2 years		112(2) (discharge in public place) 50 penalty units or 2 years or both  113(1) (recklessly discharging firearm) 50 penalty units or 2 years or both  113(2) (within 250 metres of dwelling house) 50 penalty units or 2 years or both		23(9)(c) (discharge from or across road) \$1,000  23(9a) discharge in danger of public 2 years \$8,000	81 50 penalty units or 6 months or both	82 (discharge towards or across road) \$5,000 or 12 months  84 (discharge to endanger cause fear in public etc.) \$5,000 or 12 months
Various miscellaneous offences								
Altering or falsifying records	72 50 penalty units or 2 years or both			125 50 penalty units or 2 years or both	137 (licence, permit, certificate or other document) 240 penalty units or 4 years		109 Person: 50 penalty units or 6 months or both Corp: 250 penalty units	72 \$2,000 or 6 months
Firearms collectors register					24(1) holder of collectors licence must- (a) keep register of firearms (b) enter prescribed particulars within 24 hours of dealing taking place 120 penalty units or 2 years			
War games				119(1) 10 penalty units or 6 months or both				

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Various miscellaneous offences								
Offences pertaining to Firearms Tribunal								51(4) deliver firearms to Commissioner for safeguarding when applicant institutes appeal \$5,000 or 12 months  53(2) - failure to supply information to Tribunal Corp - \$10,000 and \$1,000 for each day continues Person - \$2,000 and \$200 for each day continues
Stealing a firearm								61 \$10,000 or 2 years
Offences relating to requirements of retention of seized firearms								99(3), (5) and (6) \$5,000 or 12 months
Failure to comply with provision of Act		156 first offence - 10 penalty units second and subsequent - 60 penalty units or 12 months						
Obtaining weapons by deceit		64 60 penalty units or 1 year						
Trafficking weapons to facilitate crime		65 if H or R weapon: 20 years if A, B, C, D or E weapon or explosive: 15 years						
Responsibilities of shooting range officer		109 20 penalty units						
Theatre ordinance suppliers		118 and 119 10 penalty units						

OFFENCE	New South Wales Penalty unit-\$100 (Interpretation Act 1987 s 56)	Queensland Penalty unit-\$	South Australia	Tasmania Penalty unit-\$100 (Penalty Units and Other Penalties Act 1987 s 4)	Victoria Penalty unit-\$100 (Sentencing Act 1991 s 110)	Western Australia	ACT Penalty unit-\$100 (Interpretation Act 1967 s33AA)	Northern Territory
Various miscellaneous offences								
Security guards		123 (must have licence) 20 penalty units  125 (must carry weapon in prescribed way) 10 penalty units  Security organisation must ensure employees use weapon in prescribed way 100 penalty units  Use by security guard of ammunition other than that specified (Reg 53) 10 penalty units						
Shooting galleries						19(5) (must be licensed) \$1,000		
Organised target shooting only on approved range		51 20 penalty units or 6 months						
Deceased estates					180(2) (executor or administrator to notify Commissioner of death of person possessed of firearm) 10 penalty units			
Prohibition on disclosure of information					181 60 penalty units or 12 months			
Exemptions					Holder of exemption to comply with the exemption  184 (museums) 30 penalty units			

## OVERVIEW AND COMMENTS

Reviewing the legislation against the resolutions reveals a number of areas where jurisdictions appear to me to have failed to meet the minimum standards agreed to. Discussed under each resolution *seriatim*, these are:

### **Bans on specific types of firearms (resolution 1)**

Contrary to the resolution, the Northern Territory allows semi-automatic firearms for sport shooting. Otherwise automatic and semi-automatic longarms are either banned or restricted in accordance with the resolution. The position in relation to pistols is not clear. As the Commonwealth has banned the import of certain types of pistols, namely automatic handguns and machine pistols, these should be prohibited by all jurisdictions. The States and territories do not seem to have prohibited them.

### **Nationwide Registration of all firearms (resolution 2)**

All states now require registration of all firearms with the agreed particulars. There is no legislative requirement for NEPI links or access to other states in South Australia, Victoria or Western Australia.

### **Genuine reason and genuine need for owning a firearm (resolution 3)**

The action plan for implementing resolution 3(a) envisaged that all jurisdictions would confirm that personal protection be excluded as a genuine reason for owning, possessing or using a firearm. While no jurisdiction makes personal protection a reason, the *Firearms Act* 1977 (SA) does not prevent self defence being approved as a reason by the Registrar and the *Weapons Act* 1990 (Qld) does not prevent it being prescribed as a reason by the regulations.

Not all jurisdictions have confined the genuine reasons for owning, possessing or using a firearm to those stipulated by the resolution or imposed the conditions stipulated in relation to particular reasons. The genuine reasons in paragraph (b) of the resolution confine sporting shooters to those participating in shooting sports recognised by competitions such as the Olympic Games. Paint-ball games or war games would not be within the spirit of this resolution. However paint-ball shooting is a genuine reason in South Australia and in Victoria paint-ball activities are included under sport and target shooting. In fact in most jurisdictions approved shooting clubs are not limited to the shooting sports envisaged by the resolution.

Recreational shooters are required by the resolution to produce proof of permission to shoot on rural land from a landowner. No proof of permission is required in South Australia and in New South Wales membership of a hunting club allows recreational hunting. Some jurisdictions (eg Tasmania and Victoria) allow recreational hunting if there is a hunting permit or licence from a government department). While the form of the legislative provisions comply with the resolution by requiring a genuine reason and in most cases, production of appropriate evidence in support of the application based on that reason, there is a potential for abuse. If all that the Commissioner requires to be satisfied that the applicant has a genuine reason of recreational hunting or vermin

control is a document giving permission to shoot from an owner or occupier of land or a government official such as the Director of the National Parks and Wildlife authority, then there is a real possibility that this is not the genuine reason for obtaining the licence. This is particularly so when the currency of the hunting permit may only be one year but the currency of the licence 5 years.

Contrary to paragraph (c) of the resolution, three jurisdictions, South Australia, Victoria (unless the reason is occupational) and the Northern Territory do not require a genuine need for a category B firearm. Moreover South Australia does not require demonstration of a need for a Category H firearm. In Victoria there is no requirement to establish a genuine need for Category D if the reason is official or commercial.

While the resolution of 10 May confined Category C licences to primary producers, the resolution of 15 November allowed the use of Category C weapons for clay target shooting under certain conditions. While most jurisdictions have provisions which allow Category C weapons for clay target shooting, the restrictions in relation to physical need for club members joining after 15 November 1996 do not apply in South Australia and Western Australia and in Northern Territory, Category C weapons are allowed for sports shooting without restricting it to clay target shooting.

#### **Firearms Collectors (resolution 3(d))**

The regulatory regime for firearms collections agreed to on 17 July has not been always been comprehensively adopted. In particular the definition of a collection or a collector is wider than the agreed definition in Queensland, Western Australia and the Northern Territory. Category D weapons are not required to be made permanently inoperable in Western Australia and Category A and B weapons are not required to be rendered temporarily inoperable in the Northern Territory. There appears to be no special regime for storage in South Australia, Tasmania, Western Australia nor the Australian Capital Territory and possession of ammunition is not expressly prohibited in Queensland, Tasmania, Victoria, Western Australia nor the Northern Territory. The apparent intent of the provision in relation to sales was to restrict sales of Category C and D firearms to other collectors. No jurisdiction has implemented this and all allow sales to registered dealers.

The failure in three jurisdictions to adopt the recommended definition of collector creates a potential loophole for persons wishing to retain or obtain a semi-automatic weapon without having a legitimate genuine reason. This is particularly a potential problem in Western Australia where one weapon can constitute a collection and Category D weapons in collections do not have to be rendered permanently inoperable. It is significant that collectors in Queensland and Western Australia do not have to be members of an approved collectors' club nor is the possession of ammunition prohibited by collectors.

#### **Ammunition Collectors (resolution 3(e))**

Neither Queensland, Tasmania nor the Australian Capital Territory have enacted a regime for ammunition collectors. Nor has South Australia but this State has prohibited possession of the types of ammunition that the terms of the resolution of 17

July agreed would be banned. The Northern Territory makes provision for permits for ammunition collectors but does not ban the agreed types of ammunition.

### **Museums (resolution 3(f))**

The separate jurisdictions have adopted different approaches to museums. Tasmania and the Northern Territory provide for museum firearms licences. In Tasmania the holder of such a licence must comply with the same safe storage requirements as dealers but in the Northern Territory no special storage provisions apply to holders of a museums firearms licence.

New South Wales, Queensland, Victoria, Western Australia and the Australian Capital Territory provide for exemptions for state museums and the South Australian firearms legislation does not bind the Crown in any event. None of these jurisdictions appear to have prescribed conditions for public museums, at least in the firearms legislation. Private museums would be covered by the collectors' provisions.

### **Heirlooms Firearms Licence (resolution 3(g))**

All jurisdictions except South Australia and Western Australia have provisions for heirlooms firearms licences which substantially comply with the conditions resolved upon on 17 July (Tasmania does not require firearms to be rendered permanently inoperable). In Western Australia a collector's licence must be obtained to possess an heirloom firearm and in South Australia there appear to be no relevant provisions.

### **Basic Licence Requirements (resolution 4(a) and (b))**

Subject to the comments above relating to permits or licences for minors, all jurisdictions comply with the age, fit and proper person and proof of identity requirements for the issue of a licence. All but South Australia and Western Australia clearly require first time applicants to undertake a training course. As to the licence itself, Queensland does not appear to require a photograph and neither Queensland, Western Australia nor the Northern Territory require a reminder of safe storage responsibilities on the licence.

### **Licence Categories (resolution 4(e))**

All jurisdictions have legislative provisions which substantially comply with the agreed categories and with minor variations, the listed firearms are as agreed. However Queensland has two additional categories, Category E and Category R. South Australia adds "paint-ball firearms" to Category A and has an additional category of prescribed firearms for which a licence may be obtained. Victoria also has a Category E but has no Category H.

### **Training as a pre-requisite for a licence (resolution 5)**

All states require a course for first time applicants except South Australia, where the Regulations provide the Registrar may require a course, and Western Australia, where a course may be prescribed by regulation.

There is no specific legislative provision for courses for persons employed in the security industry in South Australia, Tasmania, Victoria, Western Australia, the Australian Capital Territory or the Northern Territory.

#### **Grounds for licence refusal or cancellation (resolution 6)**

Most jurisdictions have dealt very comprehensively with the agreed grounds for refusal and cancellation of licences. An omission in South Australia and Western Australia is the failure to provide that a domestic violence order, a violence restraint order or a conviction for assault with a weapon automatically results in refusal and revocation. Nor does a conviction for assault with a weapon/aggravated assault result in automatic cancellation in New South Wales, Tasmania or the Northern Territory. The public interest is not specified as a ground in some jurisdictions and failure to notify change of address is not made a ground of cancellation in Tasmania or Western Australia nor it seems, in the Northern Territory.

#### **Permits to acquire (resolution 7)**

All jurisdictions have implemented the requirement of a permit to acquire for each firearm although Western Australia and the Northern Territory, while requiring a 28 day delay for a first firearm, provide for expedited approval in certain circumstances.

#### **Uniform Standards for the security and storage of firearms (resolution 8)**

All jurisdictions except Queensland, Western Australia and South Australia have laid down the agreed minimum uniform standards. Queensland does not require Category C weapons to comply with the higher standard applicable to D and H weapons and does not require separate storage of ammunition. Western Australia has different standards which appear to be as stringent as the agreed minimum standard, South Australia does not require A and B weapons to be in a container if they are secured to the wall.

#### **Recording of Sales (resolution 9)**

The Western Australian legislation does not appear to restrict firearms sales to licensed dealers while South Australia allows certain authorised officers of recognised firearms clubs to witness transfers. Queensland does not appear to have any provisions regulating the sale of ammunition and few states have tackled the issue of placing limits on the quantity of ammunition that may be purchased. South Australian regulations limit it to a reasonable amount for 12 months and in Tasmania it is left to the Commissioner to determine the amount.

#### **Mail Order Control and Transport (resolution 10)**

Contrary to the resolution, mail order from dealer to non-dealer is allowed in Queensland and to and from non-dealers in Western Australia. No safety requirements are yet prescribed for the movement of Category C, D and H weapons in South Australia, Victoria or Western Australia and the Northern Territory merely provides



that all weapons must be sent by registered post or commercial freight carrier. There are no provisions for the prohibition or regulation of commercial transport of firearms with ammunition in New South Wales, Queensland, Victoria, Western Australia, the Australian Capital Territory or the Northern Territory.

**Compensation/Incentive Issues (resolution 11)**

Most provisions have legislative provisions for an amnesty and for compensation. The expression of the desirability for uniform offences and penalties appears to be a vain hope in the light of the table of offences!