

WEAPONS CONTROL BILL

EXPLANATORY NOTES

The 1996 Forum in Majuro recognised the potential seriousness of any increased movement of weapons throughout the region and called on Forum members to work together to control such weapons movements. The Forum Regional Security Committee (FRSC) was directed to study and report on how this might be implemented. The South Pacific Chiefs of Police Conference (SPCPC) was invited to assist in examining the issue and to offer appropriate advice to the FRSC. The Oceania Customs Organisation (OCO) was also requested to assist.

An SPCPC/OCO sub-committee was established to examine a common approach to weapons control. The sub-committee met three times and produced the “The Honiara Initiative” and “The Nadi Framework” which was the basis of this Bill.

The issue of weapons control was discussed by representatives of Forum countries at the Brisbane Workshop in May 2001 and more recently at the Tokyo Seminar in January 2003. The Bill is an essential part of a concerted approach by Forum countries that includes legislation dealing with Mutual Assistance in Criminal Matters, Extradition, Money-laundering and other measures designed to strengthen the region’s criminal laws.

The underlying principles of the Bill, as set out in clause 1.3, are:

- (a) to confirm that the possession and use of weapons is a privilege that is conditional on the overriding need to ensure public safety; and
- (b) to improve public safety by imposing strict controls on the possession and use of weapons.

The specific objects of the Bill are:

- to require each person who possesses or uses a weapon to have a genuine reason for possessing or using the weapon; and
- to provide strict requirements that must be satisfied for the importation, possession and use of firearms.

To give effect to these underlying principles, the Bill:

- prohibits the import, export, possession and use of the prohibited weapons listed in Schedule 1 to the Bill
- imposes strict controls on the import, export, possession and use of firearms and all other weapons
- sets up a system for the registration of firearms (Part 4) and the licensing of people who deal in weapons or have a genuine reason for possessing and using a weapon (Part 3)
- sets out the only genuine reasons for possessing and using a weapon
- contains detailed requirements for storage of weapons (Part 5)
- deals with border control (Part 7)
- imposes strict controls on weapons dealers (Part 6).

PART 1 – INTRODUCTION

Division 1 of this Part sets out the principles and objects of the Bill, and clauses 1.4 and 1.5 contains definitions of terms used in the Bill. In particular, “prohibited weapons” are those listed in Schedule 1, and there is a detailed definition of a firearm. “Traditional weapon” is defined in clause 1.8.

Clauses 1.6 and 1.7 set out how the Bill applies to members of the police and defence force of [country], as follows:

- the Bill requires the police and defence force to have written permission of the Police Commissioner before importing, possessing or using a prohibited weapon;
- the police and defence force must store weapons in accordance with the safekeeping and storage requirements in Part 5;
- firearms held by the police and defence force must be registered as required by Part 4;
- a member possessing or using a weapon must comply with the requirements of subclause 1.6(5) (dealing with the consumption of drugs and alcohol and the safekeeping of the weapon);
- otherwise, the rest of the Bill does not apply to the police and defence force.

Division 2: In keeping with the objects of the Bill, Clause 1.9 requires a person to have a genuine reason before being allowed to possess a weapon. Clauses 1.10 to 1.17 set out the only genuine reasons for possessing a weapon. A person who does not have one of these reasons for possessing a weapon will not be able to get a licence for the weapon. The person will not be entitled to possess the weapon, and will commit an offence under the Bill if he or she does so.

PART 2 – CONTROL OF USE AND POSSESSION OF WEAPONS

This Part sets out the basic controls on the use and possession of weapons. Division 1 deals with prohibited weapons. As the name implies, possession, use, import and export of these is totally prohibited. The only exception lies with the police and defence force, and even here the written authorisation of the Commissioner must be obtained.

Division 2 sets out offences relating to the possession and use of other weapons, including possession of unregistered firearms.

PART 3 – LICENCE SYSTEM

Part 3 controls the possession and use of weapons through a licensing system. The Commissioner may issue 4 kinds of licences:

- general licence: this authorises the holder to possess and use the weapon described in the licence

- dealer licence: this authorises the holder to buy, sell and otherwise deal in the type of weapons stated in the licence
- temporary licence: this authorises the holder to possess and use a weapon in a sporting competition, and to train for the competition
- user licence; this authorises the holder to use the weapon described in the licence but not to own a weapon.

A person applying for a licence must supply the detailed information set out in clause 3.7. The Commissioner must not issue the licence:

- if the applicant has been convicted of an offence under the Bill, an offence involving violence in the last 5 years, or a serious offence in the last 10 years; or
- unless he or she is satisfied of the matters set out in clause 3.9, including whether the person is a fit and proper person to hold the licence.

A licence (except a temporary licence) is in force for 3 years and all licences are subject to the general conditions imposed by clause 3.16 and to any other conditions set out in the licence. The Commissioner must keep an up-to-date Register of licence holders.

The Commissioner may cancel a licence on the grounds set out in clause 3.20; these include failure to comply with the Bill or with a condition of the licence. A licence may be suspended in the circumstances set out in clause 3.22. If a licence is suspended or cancelled, all weapons covered by the licence must be handed in to the police.

PART 4 – REGISTRATION OF FIREARMS

Part 4 also controls the movement of weapons that are firearms through a system of registration. Division 1 requires the Commissioner to keep a Register, and deals with the procedure for registering a firearm – applying, registering, marking of firearms once they have been registered, and cancellation of registration. Division 2 requires information about the acquisition, sale, loss or theft of a registered firearm to be given to the Commissioner so that the register can be kept up-to-date. Division 3 sets out specific registration requirements for the police and armed forces.

PART 5 – SAFEKEEPING OF WEAPONS

Part 5 requires weapons and ammunition to be stored safely and securely. It imposes specific and detailed obligations on the storage of weapons by a dealer.

PART 6 – WEAPONS DEALERS

Part 6 adds to the system of control of weapons by imposing various obligations on weapons dealers. (By section 2.9, it is an offence to deal in weapons without a dealer licence.)

Division 1 sets out the records a dealer must keep, such as the name and address of each person the dealer sells a weapon to, or acquires a weapon from, and a detailed description of the weapon. The records must be kept securely, and the dealer must give a monthly return to the Commissioner.

Division 2 covers the labelling and display of weapons, and repairs to weapons.

Division 3 contains additional requirements where the dealer is a person other than the Commissioner.

PART 7 – BORDER CONTROL

Part 7 deals with the import and export of weapons and their movement within the jurisdiction. It should be read in the context of the jurisdiction's existing Customs legislation about import and export generally.

Division 1 imposes controls on the import and export of weapons. A weapon cannot be imported unless the importer holds a licence, and cannot be exported without the Commissioner's written authority. Additional controls are placed on mailing of firearms outside the jurisdiction, and on transporting weapons. Clause 7.7 allows the controlled movement of weapons into, within or out of the jurisdiction, in circumstances that would otherwise constitute an offence, but only with the Commissioner's written approval. The Commissioner may only approve the movement if he or she is satisfied the movement is likely to lead to the apprehension of a person engaged in the illegal movement of weapons. Clause 7.7 reflects similar provisions in other legislation dealing with the controlled movement of drugs in similar limited circumstances.

Division 2 of Part 7 deals with offences relating to the movement of weapons, including failing to declare import or export to Customs, and trafficking in weapons.

PART 8 – OFFENCES

While some core offences are set out in Part 2, Part 8 covers offences generally, ranging from mailing weapons within the jurisdiction and possession of ammunition for a weapon without a licence for the weapon, to offences based on the need for public safety, such as possessing a loaded firearm in a public place. These offences underpin the registration and licensing system provided for in earlier parts of the Bill.

Division 1 deals with mailing and transport of weapons within the jurisdiction.

Division 2 deals with matters such as purchase (a person who is not a dealer may only purchase from a dealer) and possession of ammunition (prohibited unless the person holds a licence for the weapon it can be used with).

Division 3 deals with public safety issues, and establishes offences such as discharging a firearm in a public place, possessing a weapon in places such as schools, and using a firearm while under the influence of alcohol or another drug. Division 3 also deals with offences relating to altering records, and making false or misleading statements in applications under the Bill or when otherwise giving information as required by the Bill.

PART 9 – POWERS OF POLICE AND CUSTOMS OFFICERS

Part 9 gives specific powers of search and seizure to police and customs officers. These powers are needed to support the offences created by the Bill.

PART 10 APPEALS

Part 10 gives a right of appeal from decisions of the Commissioner under the Bill, such as decisions to refuse or cancel a licence, or issuing a licence subject to conditions. The appeal is to a Magistrate and the Magistrate's decision is final.

PART 11 – MISCELLANEOUS

Part 11 deals with weapons possessed on the commencement of the Bill, and with inherited weapons. It also deals with the disposal of weapons seized or surrendered under the Bill and makes parents or guardians personally liable if they knew of or authorised the relevant action. It also contains administrative provisions such as delegation by the Commissioner.

SCHEDULES

Schedule 1 contains the list of prohibited weapons (see Part 2).

Schedule 2 contains Forms of licence and a dealer's monthly return.

WEAPONS CONTROL BILL 201X

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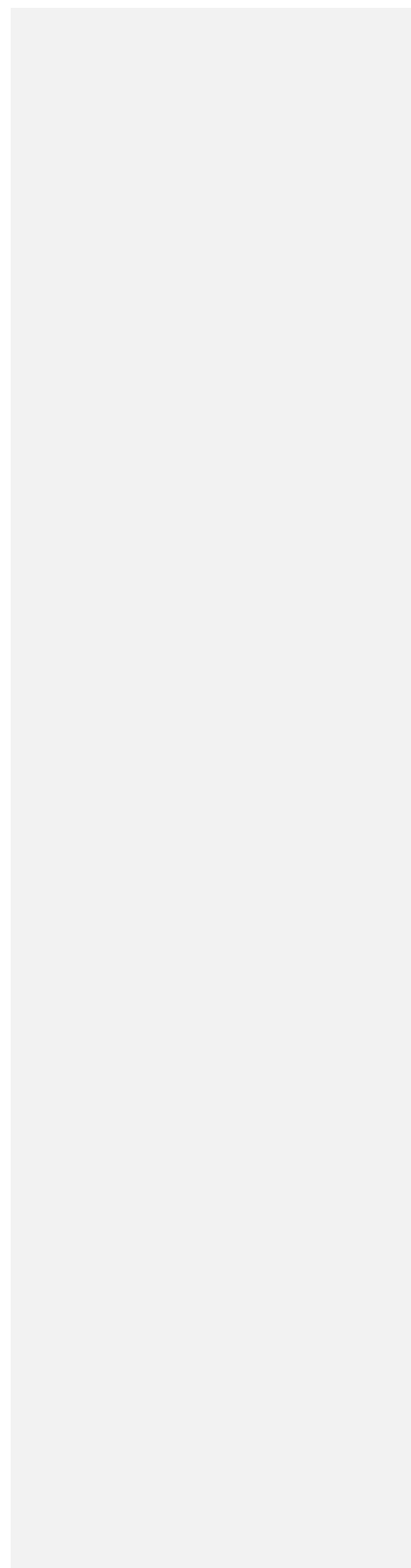
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AN ACT

To provide for the control of weapons and related matters

PART 1 - INTRODUCTION

Division 1—General

Title and commencement

1.-(1) This Act is the *Weapons Control Act 201X*.

(2) This Act commences on a date nominated by the Minister by notice in the *Gazette*.

Principles and objects of Act

2.-(1) The underlying principles of this Act are:

- (a) to confirm that the possession and use of weapons is a privilege that is conditional on the overriding need to ensure public safety;
- (b) to improve public safety by imposing strict controls on the possession and use of weapons; and
- (c) to foster national and international confidence in the control procedures concerning arms control so that they remain legitimate, effective and transparent at all times.

(2) The specific objects of this Act are:

- (a) to require each person who possesses or uses a weapon to have a genuine reason for possessing or using the weapon; and
- (b) to provide strict requirements that must be satisfied for the importation, possession, use of firearms and brokering of arms.

Interpretation

3. In this Act, unless the contrary intention appears:

acquire includes:

- (a) buy by wholesale, retail, auction or tender; and
- (b) obtain through barter or exchange; and
- (c) hire; and
- (d) take possession under a hire-purchase agreement; and
- (e) obtain as a gift or in any other way; and
- (f) cause or allow any of those things.

ammunition means:

- (a) a cartridge case fitted with a primer and a projectile; or

- (b) a cartridge case fitted with primer material and containing both a propelling charge and a projectile; or
- (c) a blankfire cartridge, airgun pellet, training cartridge; or
- (d) an explosive component of any of those things.

antique, for a firearm, means a firearm manufactured before 1 January 1900.

approved means approved by the Commissioner.

authorised employee, of an authorised weapons dealer, means a person who:

- (a) is employed by the dealer; and
- (b) would be eligible to be issued with a licence; and
- (c) is authorised in writing by the Commissioner to do whatever the dealer is authorised to do by his or her dealer licence.

authorised weapons dealer means the holder of a dealer licence.

Commissioner means the Commissioner of Police.

component, for ammunition, means a projectile, cartridge, casing, or primer designed or adapted for use in ammunition.

craft includes a vessel, aircraft, and any other machine or thing used or capable of being used for the transporting of persons or goods by air or water or over or under water.

customs controlled area means an area under the control of customs within the meaning of the [*Customs Act*].

customs officer means a customs officer within the meaning of the [*Customs Act*].

dealer licence means a licence issued to a weapons dealer under section 31

dispose of includes:

- (a) sell by wholesale, retail, auction or tender; and
- (b) part with through barter or exchange; and
- (c) hire out; and
- (d) part with under a hire-purchase agreement; and
- (e) offer to do any of those things; and
- (f) give or part with in any other way; and
- (g) cause or allow any of those things.

document includes anything on which information is recorded by any means, including electronic means.

explosive includes any substance that is made or used to produce an explosion, a detonation or a propulsive or pyrotechnic effect.

export means to take or cause to be taken out of [country].

exporter includes:

- (a) a person from or for whom goods are exported; and
- (b) a person who is or becomes the owner of, or entitled to the possession of, or is beneficially interested in, goods on or at any time after the goods are entered for export and before they are exported.

firearm means a device designed or adapted to discharge shots, bullets or other projectiles by means of explosive charge or compressed gas, whether or not it is fitted with a magazine or other feeding device designed to be used with it, and includes a replica, but does not include:

- (a) a nailing or stapling gun; or
- (b) an explosive-powered fixing tool; or
- (c) a flare gun, or other signalling device, designed for emergency or life-saving purposes; or
- (d) a line-thrower; or
- (e) a hand-operated device that uses blank cartridges to propel objects for retrieval in connection with training dogs; or
- (f) a gun that operates a captive bolt for slaughtering animals; or
- (g) a device for casting weighted nets; or
- (h) an underwater powerhead; or
- (i) a sidewall core gun designed for geological or mining purposes; or
- (j) an expandable casing perforation gun designed for geological or mining purposes.

firearm accessory means:

- (a) a silencer designed or intended to be used with a firearm; or
- (b) a device designed to modify a firearm to give it a rapid fire capability; or
- (c) a device capable of converting a firearm to fire in a fully automatic condition; or
- (d) a folding stock; or
- (e) a detachable stock.

firearm magazine means a magazine designed or intended for use with a firearm.

firearm part, for a firearm, means:

- (a) a gas piston, friction assembly, action bar, breech bolt or breech block; or
- (b) a firearm barrel; or
- (c) an assembled trigger mechanism; or
- (d) a receiver; or
- (e) a thing (other than a complete firearm) that includes one of those.

general licence means a licence issued under section 29.

genuine reason means a reason set out in Division 2 of Part 1.

import means to bring goods into [country], or cause goods to be brought into [country], in any manner whatever, whether lawfully or unlawfully, from a point outside [country].

importer includes:

- (a) a person by or for whom goods are imported; and
- (b) the consignee of goods; and
- (c) a person who is or becomes the owner of, entitled to the position of, or beneficially interested in, any goods on or at any time after their importation and before the goods are cleared by Customs.

licence means a licence issued under Part 3 that is in force.

licensed weapons dealer means:

- (a) the holder of a dealers licence; and
- (b) if the Commissioner is a weapons dealer – the Commissioner.

mail includes send by courier and by any means of transport.

manufacture, for a weapon, includes:

- (a) assemble, repair, modify and test the weapon; and
- (b) manufacture a weapon in a place other than a weapons factory.

other related materials means a component or a part of a firearm, or an accessory that can be attached to a firearm.

possession, for a weapon, has the meaning given by section 4.

premises includes the whole or part of a structure, craft or vehicle.

prohibited weapon means a weapon listed in Schedule 1.

public place means a place to which members of the public have access, whether on payment of a fee or not.

replica means a copy or other reproduction of a firearm, whether or not it is fitted with a magazine or other feeding device, that:

- (a) is not capable of discharging a shot, a bullet or another projectile by means of an explosive charge or a compressed gas; and
- (b) is not a toy.

temporary licence means a licence issued under section 31

traditional weapon means:

- (a) a cane knife; or

- (b) any other thing that is regarded as a weapon but that also has a traditional use.

use, for a weapon, includes cause a reasonable belief that the weapon will be used.

user licence means a licence issued under section 32

vehicle includes any means of transport on land, whether or not it can also be used on or over water.

weapon means a weapon that is not a prohibited weapon.

weapons dealer means a person who carries on the business of buying, selling or manufacturing weapons.

(2) For the purpose of the definition of *prohibited weapon*, a thing that would be a prohibited weapon if it did not have something missing from it, or a defect or obstruction in it, is taken to be a prohibited weapon.

(3) If a word or phrase is defined in this Act, other grammatical forms of that word or phrase have corresponding meanings.

Meaning of possession of weapon

4.-(1) A person possesses a weapon if the person:

- (a) has physical possession of the weapon; or
- (b) has custody of the weapon; or
- (c) causes another person to have custody of the weapon; or
- (d) has the weapon in or on premises, a place, a vehicle, or a craft, whether or not belonging to or occupied by the person.

(2) A person who is in or on premises, a place, a vehicle or a craft where there is a weapon is taken to possess the weapon, unless the person demonstrates otherwise.

(3) If parts of a weapon are in the possession of 2 or more persons, each of those persons is taken to possess the weapon.

Police and defence force

5.-(1) The following sections apply to the police force and defence force of [country]:

- (a) this section; and
- (b) section 6 (dealing with storage of police and defence force firearms); and
- (c) section 5 (dealing with the possession and use of prohibited weapons); and
- (d) sections 65 and 66 (dealing with the registration of police and defence force firearms).

(2) The rest of this Act does not apply to a member of the police force of [country] possessing or using a weapon, including a prohibited weapon, in accordance with subsection (5) if:

- (a) the weapon or prohibited weapon has been issued to the person for use in the course of his or her duties as a member of the police force; and
- (b) so far as the person is aware, the Commissioner has issued a permit under section 20 for the prohibited weapon; and
- (c) the person is:
 - (i) acting in the ordinary course of his or her duties; or
 - (ii) on call outside his or her usual hours of work.

(3) The rest of this Act does not apply to a member of the defence force of [country] possessing or using a weapon in accordance with subsection (5) if:

- (a) the weapon or prohibited weapon has been issued to the person for use in the course of his or her duties as a member of the defence force; and
- (b) so far as the person is aware, the Commissioner has issued a permit under section 20 for the prohibited weapon; and
- (c) the person is acting in the ordinary course of his or her duties.

(4) However, this Act does apply to a member of the police force or the defence force of [country] if the member possesses a weapon or prohibited weapon for his or her personal use.

(5) A member of the police force or of the defence force possessing or using a weapon, including a prohibited weapon, under subsection (2) or (3):

- (a) must not consume any intoxicating liquor or be under the influence of alcohol or any other drug; and
- (b) must not be present in a place where liquor is being consumed except in the course of his or her duties; and
- (c) must not keep the weapon at his or her residence outside work hours unless authorised to do so by the member's commanding officer; and
- (d) if the member is authorised to keep the weapon at his or her residence, must store the weapon in accordance with the storage requirements of this Act.

Storage of firearms by defence force and police force

6.-(1) The Head of the defence force of [country] must ensure that all firearms and ammunition and other weapons in the possession of the defence force are stored in a safe place when they are not issued to a member of the defence force.

(2) The Commissioner must ensure that all firearms and ammunition and other weapons in the possession of the police force are stored in a safe place when they are not issued to a member of the police force.

- (3) A firearm, ammunition or other weapon is stored in a safe place if the premises and place of storage comply with the following requirements:
- (a) the premises must be in a structurally sound condition; and
 - (b) the doors giving access to the premises and their locks, bolts, hinges and other fastenings must be strong, stout and in good condition; and
 - (c) any windows, skylights or other covers of openings giving access to the premises must be in good condition and their locks, bolts, hinges and other fastenings must be strong, stout and in good condition; and
 - (d) all doors and windows, skylights and other covers must be capable of being secured against unlawful entry; and
 - (e) all reasonable steps must be taken to secure the premises and the place of storage from unlawful entry; and
 - (f) the premises and place of storage must be equipped with an anti-intrusion alarm that is able to detect, to the maximum extent reasonably practicable, any unauthorised entry to the premises or place or any unauthorised interference with any firearm; and
 - (g) the anti-intrusion alarm must be activated whenever the premises are unoccupied; and
 - (h) if the premises or place of storage are premises or a place to which the public have access, all weapons at those premises or that place that are not in the physical possession of the dealer or the dealer's employee, or that are not being displayed to a customer under the immediate continuous personal supervision of the dealer or the employee, must be:
 - (i) dismantled, rendered temporarily incapable of discharging a shot, bullet or other missile by the removal of a part of the firing mechanism or otherwise or secured, whether in a display cabinet, rack or otherwise, in a manner that prevents them from being readily removed and fired; or
 - (ii) locked up in a metal container of sturdy construction that is secured to the premises, a metal safe of sturdy construction or a steel and concrete strongroom of sturdy and sound construction; and
 - (i) if a part of the firing mechanism has been removed, that part must be stored on the premises in a locked receptacle of an approved type that is kept separate from any receptacle containing the weapon; and
 - (j) all ammunition is stored separately from all weapons.
- (2) In particular, the place of storage must be kept securely locked.

Traditional weapons

7.-(1) A person must not have a traditional weapon in his or her possession unless the person has a reasonable excuse for possessing the weapon.

Penalty: Fine not exceeding \$1,000.

(2) A person has a reasonable excuse for possessing a traditional weapon only if:

- (a) the weapon is traditionally used for a particular purpose; and
- (b) the person is about to use, is using, or has recently used, the weapon for that purpose.

Division 2—Genuine reasons for possessing weapons

Genuine reasons

8.-(1) A person has a genuine reason for possessing a weapon if, and only if, the person is covered by one of the sections in this Division.

(2) In particular, a person does not have a genuine reason for possessing or using a weapon if the person intends to possess or use the weapon for:

- (a) the person's personal protection or the protection of his or her family; or
- (b) the general protection of property, other than the protection of property in the course of carrying out the functions of a security agent or security guard.

Sporting or recreational

9. A person who takes part in a sporting or recreational activity has a genuine reason for possessing a weapon if the person demonstrates that the weapon is necessary to pursue the sporting or recreational activity.

Business or employment

10.-(1) A person who is engaged in business has a genuine reason for possessing a weapon if the person demonstrates that possessing the weapon is necessary for the legitimate conduct of the business.

(2) An employee has a genuine reason for possessing a weapon if the person demonstrates that using the weapon is necessary in the person's employment.

Film, theatre etc

11. A person who is involved in:

- (a) an historical re-enactment; or
- (b) making a film; or
- (c) a theatrical production;

has a genuine reason for possessing a weapon if the person demonstrates that the weapon is necessary for use in the re-enactment, film or theatrical production.

[NOTE: "weapon" includes a replica of a weapon – see section 3.]

Collectors

12. A person has a genuine reason for possessing a weapon if the person demonstrates that:

- (a) the person collects weapons; and

- (b) the person's collection has a genuine commemorative or historical value; and
- (c) the weapon is, or will be, part of the collection.

[Note: There are special conditions for licences for people who collect weapons – see section 45.]

Public museum

13. A person in charge of a museum has a genuine reason for possessing a weapon if:

- (a) the museum is open to the public; and
- (b) the museum displays a collection of weapons; and
- (c) the weapon is part of the museum's collection.

[Note: There are special conditions for licences for people in charge of museums – see section 45]

Heirloom

14. A person who owns a weapon that is an heirloom has a genuine reason for possessing the weapon if the person demonstrates that:

- (a) the weapon has been inherited from another person; and
- (b) the weapon is of genuine sentimental value to the person.

[Note: There are special conditions for licences for people who possess heirlooms – see section 45.]

Animal management

15. A person has a genuine reason for possessing a weapon if the person:

- (a) is a qualified veterinarian or a person or organisation involved in animal management; and
- (b) the person demonstrates that the weapon is necessary for use in animal management.

Farm management

16. A person has a genuine reason for possessing a weapon if the person:

- (a) owns or manages a farm; and
- (b) the person demonstrates that the weapon is necessary for use in controlling wild animals on the farm or otherwise in animal management on the farm.

PART 2 - CONTROL OF USE AND POSSESSION OF WEAPONS

Division 1—Prohibited Weapons

Possession of prohibited weapon

17. A person must not have a prohibited weapon in his or her possession.

Penalty: A fine not exceeding \$5,000.00 or imprisonment for a period not exceeding 5 years, or both.

[NOTE: Prohibited weapons are listed in Schedule 1.]

Manufacture, sale or purchase of prohibited weapon

18. A person must not:

- (a) manufacture a prohibited weapon; or
- (b) dispose of a prohibited weapon; or
- (c) acquire a prohibited weapon.

Penalty: A fine not exceeding \$10,000.00 or imprisonment for a period not exceeding 10 years, or both.

Import and export of prohibited weapon

19. A person must not:

- (a) import a prohibited weapon into [country]; or
- (b) export a prohibited weapon from [country]; or
- (c) transport a prohibited weapon through [country].

Penalty: Fine not exceeding \$10,000.00 or imprisonment for a period not exceeding 10 years, or both.

[NOTE: For import and export of other weapons, see Part 7 which deals with border control.]

Police and defence force

20.-(1) In spite of sections 17, 18 and 19, the Commissioner may give a written permit authorising the police force or defence force of [country] to possess and use the prohibited weapons described in the permit if the Commissioner is satisfied that is necessary to do so for the purposes of the policing or defence of [country].

(2) The permit is subject to the conditions the Commissioner determines and states in the permit.

(3) If the Commissioner gives a permit under this section, the permit may also authorise the police and defence force to acquire, dispose of, import or export the prohibited weapons described in the permit.

Division 2—Other Weapons

Possession of other weapons - licence

21. A person must not have a weapon in his or her possession unless the person holds a licence for that weapon.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Acquiring a weapon

22. A person must not acquire a weapon unless the person holds a licence for that weapon.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Using a weapon

23. A person must not use a weapon unless:

- (a) the person holds a general licence for that weapon; or
- (b) the person holds a user licence for a weapon of that type.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Unregistered firearms

24.-(1) A person must not sell, possess or use a firearm that is not registered in the person's name.

Penalty: Fine not exceeding \$10,000 or imprisonment for a term not exceeding 10 years, or both.

[Note: For registration, see Part 4.]

(2) Subsection (1) does not apply to a firearm imported or acquired by a licensed weapons dealer so long as the firearm is registered within 5 days after the dealer takes possession of it.

Dealing in firearms

25. A person must not deal in firearms unless the person:

- (a) holds a dealer licence; or
- (b) is an authorised employee of a person who holds a dealer licence.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Disposal of weapons

26. A person must not dispose of a weapon to another person unless the other person holds a licence for the weapon and shows the licence to the first person.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Advertising sale of weapons

27.-(1) A person must not advertise the sale of a firearm, firearm part or accessory, ammunition, or other weapon, unless:

- (a) the person is a licensed weapons dealer; or
- (b) the proposed sale is to be arranged by or through a licensed weapons dealer.

Penalty: Fine not exceeding \$500.

(2) A person must not advertise a weapon for sale unless the advertisement clearly states that the weapon may only be purchased by a person who holds a licence for that type of weapon.

Penalty: Fine not exceeding \$500.

Possession of firearm parts and accessories

28. A person must not possess a firearm part or accessory unless the person holds a licence for a firearm of the type to which the firearm part or accessory relates.

Penalty: Fine not exceeding \$2,000.

[NOTE: For possession of ammunition, see section 118]

PART 3—LICENCE SYSTEM

Division 1 - Kinds of licences

General licence

29. A general licence authorises the holder to possess and use a weapon of the type specified in the licence.

Dealer licence

30. A dealer licence authorises the holder to deal only in the type of weapon specified in the licence at premises specified in the licence.

Temporary licence

31. A temporary licence authorises the holder to possess and use a weapon of the type specified in the licence for the purpose of training for and competing in a recognised sporting event that requires the use of that weapon.

User licence

32.-(1) A user licence authorises the holder to use a weapon of the type specified in the licence but not to own the weapon.

(2) A user licence may only be issued for a weapon for which a general licence is in force.

Division 2 - General matters

Additional authority relating to possession

33. A licence that authorises the holder to possess a weapon also authorises the holder to possess it while:

- (a) taking it to a licensed weapons dealer for the purpose of maintenance or repair and subsequently recovering it from the dealer; or
- (b) taking it to a licensed weapons dealer for the purpose of sale and subsequently recovering it from the dealer if not sold; or
- (c) taking it for inspection and subsequently recovering it; or
- (d) moving it from one place to another for the purpose of using it; or
- (e) taking it for the purpose of surrendering it.

Information about safety

34. The Commissioner must ensure that an applicant for a licence is given information about:

- (a) using weapons safely; and
- (b) what this Act says about storage and safety of weapons; and
- (c) approved safety courses.

Division 3 – Applying for a licence

Applications for licences

35.-(1) An applicant for a licence must be:

- (a) at least 18 years of age; and
- (b) an individual.

(2) An application for a licence must:

- (a) be in an approved form; and
- (b) contain details of the applicant's residential address; and
- (c) contain proof of age; and
- (d) have with it a recent photograph of the applicant; and
- (e) state which genuine reason the applicant has for possessing a weapon; and
- (f) have with it evidence that the applicant has attended an approved safety training course; and

- (g) have with it 2 character references from persons who are not members of the applicant's family; and
- (h) have with it the prescribed fee; and
- (i) be lodged with the Commissioner.

Issuing licence

36. The Commissioner may issue a licence:

- (a) subject to the conditions specified in section 46 and 47; and
- (b) only after the end of 28 days after the day on which the application is lodged.

General restrictions on granting licence

37.-(1) The Commissioner must not issue a licence unless the Commissioner is satisfied that the applicant:

- (a) is at least 18 years old; and
- (b) is a fit and proper person; and
- (c) has completed an approved safety training course; and
- (d) is able to meet the storage and safety requirements in Part 5.

(2) In deciding whether a person is a fit and proper person, the Commissioner is to take into account:

- (a) any likelihood of the person using a weapon:
 - (i) for an unlawful purpose; or
 - (ii) to harm himself or herself; and
- (b) the mental and physical condition of the person; and
- (c) any criminal activity of the person, whether in [country] or elsewhere; and
- (d) any offence committed by the person under this Act; and
- (e) the character references provided by the person; and
- (f) the ability of the person to exercise continuous and responsible control over a firearm; and
- (g) whether the person is subject to an apprehended violence order or has at any time within 5 years before the application been subject to such an order; and
- (h) whether the person is subject to a recognisance to keep the peace.

(3) The Commissioner must not issue a licence unless the Commissioner is satisfied that the applicant has a genuine reason for possessing or using the weapon.

[NOTE: for genuine reasons, see sections 8 to 16]

Restrictions - temporary licence

38. The Commissioner may only grant a temporary licence for a weapon if the Commissioner is satisfied that:

- (a) the applicant holds a valid licence for the weapon issued in the applicant's usual place of residence; and

- (b) the applicant is coming to [country] for the purpose of taking part in a sporting competition; and
- (c) the weapon is essential for that sporting competition.

Restrictions – user licence

39. The Commissioner may only grant a user licence a weapon if the Commissioner is satisfied that:

- (a) a person known to the applicant holds a general licence for the weapon; and
- (b) the holder of the general licence will supervise the user; and
- (c) the weapon will be stored as required by this Act.

Refusal of licence – criminal conviction

40. The Commissioner must not issue a licence to a person who:

- (a) has been convicted of an offence under this Act; or
- (b) within the period of 5 years before the application was made, has been convicted in [country] or elsewhere of any crime involving violence to another person; or
- (c) has at any time been sentenced to a term of imprisonment, in [country] or elsewhere, for an offence involving violence to another person, unless the Commissioner is satisfied that the nature of the offence, the term of imprisonment and the length of time since that term expired do not justify the refusal to grant the licence.

Refusal of licence – public interest

41. The Commissioner may refuse to grant an application for a licence if the Commissioner is satisfied that to grant it would be contrary to the public interest.

Commissioner to notify refusal

42. The Commissioner must tell the applicant in writing of the refusal to issue a licence, stating the reasons for the refusal.

Division 4 - General provisions relating to licences

Form of licence

43. A licence is to:

- (a) be in the form in Schedule 2; and
- (b) contain a recent photograph of the person to whom it is issued; and
- (c) state:
 - a. the name, address and date of birth of the licensee; and

- b. the date of its issue and expiry; and
- c. the type of weapon covered by the licence; and
- d. the genuine reason for which the licensee is authorised to possess the weapon; and
- e. the premises where the weapon is to be stored; and
- (d) if the licence is for a firearm, state the maximum amount of ammunition the holder may possess at any one time; and
- (e) contain a statement that the licensee must comply with the requirements of this Act for storage and safekeeping of the weapon; and
- (f) contain any other matter the Commissioner determines; and
- (g) be signed by the issuing officer and the licensee.

General conditions of licence

44. A licence is subject to the following conditions:

- (a) the licensee must possess a weapon only:
 - (i) of the type covered by the licence; and
 - (ii) for the genuine reason, and at any premises, specified in the licence; and
- (b) the licensee must comply with the safekeeping and storage requirements of this Act; and
- (c) the licensee must ensure that the weapon is safe to use; and
- (d) the licensee must not allow any other person to possess or use a weapon in the licensee's possession unless that other person is authorised to possess or use the weapon; and
- (f) the licensee must permit a police officer to inspect at any reasonable time the licensee's arrangements for the storage and safekeeping of the weapons in the licensee's possession; and
- (g) the licensee must not possess any ammunition other than ammunition suitable for use in the type of weapon covered by the licence; and
- (h) the licensee must not possess, at any time, an amount of ammunition that exceeds the amount stated in the licence; and
- (i) any other condition determined by the Commissioner and stated in the licence.

Special conditions of licence for collectors, museums and heirlooms

45.-(1) A licence that authorises the holder to possess weapons for the purpose of a weapons collection is subject to the following conditions:

- (a) each firearm in the collection must be rendered temporarily incapable of being fired:
 - (i) by removing and storing the bolt or firing pin, or both the bolt and firing pin, in a locked container that is kept separate from the firearm; or

- (ii) if it is not practicable to do this, by putting an approved trigger lock on the firearm; and
- (b) the holder must not possess any ammunition for a firearm in the collection;
- (c) the holder must not restore any firearm in the collection to a state in which the firearm can readily be fired; and
- (d) the holder must not discharge a firearm that forms part of the collection.

(2) A licence for an heirloom is subject to the same conditions as if it were a weapon in a weapons collection.

(3) A licence that authorises the holder to possess a weapon for the purpose of a museum is subject to the following conditions:

- (a) each firearm in the museum must be rendered temporarily incapable of being fired:
 - (i) by removing and storing the bolt or firing pin, or both the bolt and firing pin, in a locked container that is kept separate from the firearm; or
 - (ii) if it is not practicable to do this, by putting an approved trigger lock on the firearm; and
- (b) the holder must not restore any firearm in the museum to a state in which the firearm can readily be fired; and
- (c) the holder must not discharge a firearm that forms part of the museum's collection.

Compliance with conditions of licence

46. The holder of a licence must comply with all conditions specified in the licence.

Penalty: Fine not exceeding \$2,000.00 or imprisonment for a term not exceeding 2 years, or both.

Period of licence

47.-(1) A licence other than a temporary licence is in force for 3 years from the date of issue, unless it is sooner cancelled or surrendered.

(2) A temporary licence is in force for the period fixed by the Commissioner and stated in the licence.

(3) A licence is not transferable.

Cancellation of licence

48.-(1) The Commissioner may cancel a licence:

- (a) if a further licence of the same kind would be refused to the holder; or

- (b) if the holder supplied information in connection with the application for the licence which, to his or her knowledge, was false or misleading; or
- (c) if the holder contravenes any provision of this Act, whether or not he or she has been convicted of an offence for the contravention; or
- (d) if the holder fails to comply with any condition of the licence; or
- (e) if the Commissioner is of the opinion that the holder is no longer a fit and proper person to hold the licence; or
- (f) if the Commissioner is satisfied that the holder no longer has a genuine reason for possessing the weapon.

[NOTE: for genuine reasons, see sections 8 to 16]

(2) In deciding whether the holder is no longer a fit and proper person, the Commissioner is to take into account the matters listed in subsection 37(2)

Notice of cancellation

49.-(1) The Commissioner is to cancel a licence by giving the licence holder a notice stating:

- (a) that the licence is cancelled; and
- (b) the reason for cancelling it.

(2) The cancellation of a dealer licence takes effect:

- (a) at the end of the period within which an appeal may be made; or
- (b) on a later date stated in the notice.

[NOTE: For appeals against cancellation of a licence, see Part 11.]

(3) The cancellation of any other licence takes effect:

- (a) on the date on which the notice is served; or
- (b) on a later date stated in the notice.

[NOTE: The licence holder must surrender all weapons – see s52.]

Suspension of licence

50.-(1) The Commissioner may suspend a licence if satisfied that there may be grounds for cancelling it.

(2) The Commissioner is to suspend the licence by giving the licence holder a notice:

- (a) stating that the licence is suspended and the reasons for suspending it; and
- (b) asking the holder to give the Commissioner a reason why the licence should not be cancelled.

(3) A licence is suspended for the period specified in the notice. This must not be longer than 28 days.

(4) While a licence is suspended, the holder is not authorised to possess any weapon specified in the licence.

[NOTE: The licence holder must surrender all weapons for the suspension period – see s.52

Surrender of licence

51.-(1) A licence holder may surrender a licence by returning the licence to the Commissioner.

(2) The licence ceases to have effect on the date the licence is returned to the Commissioner.

Surrender of weapon

52.-(1) A person who surrendered a licence must, as soon as practicable:

- (a) surrender to a police officer any weapon covered by the licence; or
- (b) satisfy the Commissioner that he or she has legally disposed of the weapon to a person entitled to possess it.

Penalty: Fine not exceeding \$2,000.00 or imprisonment for a term not exceeding 2 years, or both.

(2) If a licence is suspended or cancelled, the person to whom it was issued must, as soon as practicable, surrender to a police officer:

- (a) all weapons in the person's possession; and
- (b) the licence.

Penalty: Fine not exceeding \$2,000.00 or imprisonment for a term not exceeding 2 years, or both.

[NOTE: If a licence is suspended or cancelled, a police officer may seize all weapons in the person's possession – see section 135.]

What licence holder must tell Commissioner

53. The holder of a licence must tell the Commissioner of any change in any information specified in the licence within 14 days after the change occurs.

Penalty: Fine not exceeding \$500.00.

Register of licence holders

54. The Commissioner must keep a register of licence holders, containing:

- (a) the name of the holder; and
- (b) the licence number; and
- (c) the date of issue and expiry; and
- (d) details of the weapon; and
- (e) details of any suspension or cancellation.

PART 4 - REGISTRATION OF FIREARMS

Division 1 - Registration procedure

Application for registration

55.-(1) An application for the registration of a firearm must:

- (a) be in an approved form; and
- (b) have with it the prescribed fee; and
- (c) be lodged with the Commissioner.

(2) A person applying to register a firearm must make the firearm available for inspection and marking by the Commissioner.

Register of firearms

56.-(1) The Commissioner must keep a Register of firearms.

(2) The Register must contain:

- (a) the make, model, country of manufacture, serial number and calibre of the firearm; and
- (b) the name and address of the owner and particulars of his or her licence (the "owner information"); and
- (c) any other information the Commissioner considers relevant.

(3) The Commissioner must ensure that the owner information in the Register is altered as soon as practicable after the Commissioner is told of any change in that information.

(4) The Register may be kept in electronic form.

Marking of firearms

57.-(1) Before registering a firearm, the Commissioner must ensure that it is marked in such a way as to be able to be identified.

(2) Subsection (1) does not apply to a firearm that is an heirloom or a replica.

Restriction on registration

58.-(1) The Commissioner must not register a firearm for a weapons dealer unless the dealer holds a dealer licence for the type of firearm to which the licence relates.

(2) The Commissioner must not register a firearm for another person unless the person holds a licence for the firearm.

(3) The Commissioner must not register a firearm unless it has been marked as required by section 57.

Refusal to register

59. The Commissioner must refuse to register a firearm if the applicant does not make the firearm available for inspection and marking by the Commissioner.

Certificate of registration

60.-(1) If the Commissioner registers a firearm, the Commissioner must give a certificate of registration to the owner of the firearm.

(2) The certificate of registration must:

- (a) be in the form in Schedule 2; and
- (b) state the owner's name and address, and the owner's licence number; and
- (c) set out the make, model, country of manufacture, serial number and calibre of the firearm; and
- (d) set out:
 - (i) the name of the officer who inspected and marked the firearm; and
 - (ii) the date of inspection and marking; and
 - (iii) details of the marking on the firearm.

(3) A person must not alter a certificate of registration.

Penalty: Fine not exceeding \$2,000.00 or imprisonment for a term not exceeding 2 years, or both.

Cancellation of registration

61.-(1) The Commissioner may cancel the registration of a firearm if the owner:

- (a) no longer holds a licence for the firearm; or
- (b) made a false or misleading statement in connection with the application for registration; or
- (c) is convicted of an offence under this Act; or
- (d) asks the Commissioner to cancel it.

(2) The Commissioner is to cancel the registration of a firearm by notice in writing given to the owner.

(3) Cancellation takes effect on the date on which the notice is given to the owner.

(4) If the registration of a firearm is cancelled, the person in whose name it was registered must as soon as possible hand the firearm to a police officer.

[NOTE: A police officer may seize a firearm whose registration is cancelled – see section 135.]

- (5) The police officer who is given the firearm must immediately:
- (a) store the weapon in accordance with section 6; and
 - (b) ensure details of the firearm are entered in the Register kept under section 66.

Division 2 - Information requirement

Sale, loss or theft of firearm

62.-(1) If the owner of a registered firearm disposes of the firearm to a person, he or she must tell the Commissioner the name and address of the person within 5 days after disposing of it.

Penalty: Fine not exceeding \$500.00.

(2) If a registered firearm or certificate of registration is lost or stolen, the owner of the firearm must tell the Commissioner about the loss or theft as soon as practicable, but in any case not later than 5 days after becoming aware of that fact.

Penalty: Fine not exceeding \$500.00.

Acquiring firearms

63. A person who is not a licensed weapons dealer and who acquires a firearm from another person must tell the Commissioner the name and address of that other person within 5 days after acquiring it.

Penalty: Fine not exceeding \$500.00.

Inspection of registered firearm and licence

64. The owner of a registered firearm must produce the firearm and the licence for the firearm for inspection by the Commissioner at any reasonable time when asked to do so.

Penalty: Fine not exceeding \$500.00.

Division 3 – Police force and defence force

Defence force firearms Register

65.-(1) The Head of the defence force of [country] must keep a Register of all firearms owned by the defence force.

- (2) The Register must contain the following information:
- (a) the make, model, country of manufacture, serial number and calibre of the firearm; and
 - (b) the quantity and kind of ammunition in the possession of the defence force; and
 - (c) where the firearm is stored; and

- (d) when the firearm was acquired by the defence force; and
 - (e) when the firearm is issued to a member of the defence force; and
 - (f) the purpose for which it was issued; and
 - (g) when it was returned to the armoury; and
 - (h) details of the quantity and type of ammunition issued with and returned with the firearm; and
 - (i) when the firearm is moved to another place of storage and why; and
 - (j) if the firearm is disposed of:
 - (i) when it was disposed of; and
 - (ii) how it was disposed of; and
 - (iii) why it was disposed of.
- (3) The Register may be kept in electronic form.
- (4) A duplicate of the Register must be kept in a separate and secure place.

Police force firearms Register

- 66.-(1) The Commissioner must keep a separate Register of all firearms:
- (a) that are owned by the police force; or
 - (b) that are handed in to, seized or otherwise acquired by the police force.
- (2) The Register must contain:
- (a) the make, model, country of manufacture, serial number and calibre of the firearm; and
 - (b) the quantity and kind of ammunition in the possession of the police force; and
 - (c) when the firearm was acquired by the police force; and
 - (d) when the firearm is issued to a member of the police force; and
 - (e) the purpose for which it was issued; and
 - (f) when it was returned to the armoury; and
 - (g) details of the quantity and type of ammunition issued with and returned with the firearm; and
 - (h) if the firearm is disposed of:
 - (i) when it was disposed of; and
 - (ii) how it was disposed of; and
 - (iii) why it was disposed of.
- (3) The Register may be kept in electronic form.
- (4) A duplicate of the Register must be kept in a separate and secure place.

PART 5 - SAFEKEEPING OF WEAPONS

General requirements

67. A person who possesses a weapon or ammunition must take all precautions to ensure that the weapon or ammunition:

- (a) is kept safely; and
- (b) is not stolen or lost; and
- (c) does not come into the possession of a person who is not authorised to possess it.

Penalty: Fine not exceeding \$1,000.00 or imprisonment for a term not exceeding 12 months, or both.

Secure storage

68.-(1) A person who possesses a weapon must:

- (a) store the weapon in a secure place in a metal or wooden container of sturdy construction; and
- (b) keep the container securely locked.

(2) A person who possesses ammunition must:

- (a) store the ammunition in the same way as a weapon must be stored; and
- (b) store the ammunition in a separate container from any weapon.

Weapons dealers

69.-(1) The holder of a dealer licence must comply with the following requirements for the premises specified in the licence and the place of storage for weapons in those premises:

- (a) the premises must be in a structurally sound condition; and
- (b) the doors giving access to the premises and their locks, bolts, hinges and other fastenings must be strong and in good condition; and
- (c) any windows, skylights or other covers of openings giving access to the premises must be in good condition and their locks, bolts, hinges and other fastenings must be strong, stout and in good condition; and
- (d) all doors and windows, skylights and other covers must be capable of being secured against unlawful entry; and
- (e) all reasonable steps must be taken to secure the premises and the place of storage from unlawful entry; and
- (f) the premises and place of storage must be equipped with an anti-intrusion alarm that is able to detect, to the maximum extent reasonably practicable, any unauthorised entry to the premises or place or any unauthorised interference with any firearm; and
- (g) the anti-intrusion alarm must be activated whenever the premises are unoccupied; and
- (h) if the premises or place of storage are premises or a place to which the public have access, all weapons at those premises or that place that are not

in the physical possession of the dealer or the dealer's employee, or that are not being displayed to a customer under the immediate continuous personal supervision of the dealer or the employee, must be:

- (i) dismantled, rendered temporarily incapable of discharging a shot, bullet or other missile by the removal of a part of the firing mechanism or otherwise or secured, whether in a display cabinet, rack or otherwise, in a manner that prevents them from being readily removed and fired; or
- (ii) locked up in a metal container of sturdy construction that is secured to the premises, a metal safe of sturdy construction or a steel and concrete strongroom of sturdy and sound construction;
and
- (i) if a part of the firing mechanism has been removed, that part must be stored on the premises in a locked receptacle of an approved type that is kept separate from any receptacle containing the weapon.

Penalty: Fine not exceeding \$2,000.00 or imprisonment for a term not exceeding 2 years, or both.

(2) In particular, the place of storage must be kept securely locked.

[NOTE: A police officer may seize a firearm that is not stored as required by this Part – see section 135.]

PART 6 - WEAPONS DEALERS

Division 1 - Records

Record of dealings

70.-(1) A licensed weapons dealer must keep a record in an approved form of all dealings with firearms, firearm parts and accessories, ammunition, and other weapons.

Penalty: Fine not exceeding \$500.

- (2) The record must contain:
 - (a) the name and address of the other person involved in the dealing; and
 - (b) the number of the other person's licence covering the weapon; and
 - (c) for any weapon or weapon part in the dealer's possession:
 - (i) the date of its purchase or receipt by the dealer; and
 - (ii) the date of its sale or transfer out of the possession of the dealer; and
 - (iii) the make, serial number, calibre, type, action and any magazine capacity; and
 - (d) the type, description and quantity of any ammunition; and
 - (e) any other prescribed information.
- (3) Each entry in the dealings record must be:
 - (a) numbered sequentially; and
 - (b) made immediately after the dealing occurs.
- (4) A dealings record:
 - (a) may be in electronic form; and
 - (b) must be kept for a period of 6 years.

Safekeeping of records

71. A licensed weapons dealer must ensure that any record that the dealer is required to keep by this Act is:

- (a) kept in a safe place on the premises specified in the licence; and
- (b) kept separate from the place where firearms are kept.

Penalty: Fine not exceeding \$500.

Alteration to dealings record

72.-(1) A licensed weapons dealer may only alter an entry in a non-electronic dealings record by interlining or striking it out and not by erasing or obliterating it.

Penalty: Fine not exceeding \$500.

- (2) If the dealings record is kept electronically, any alteration must be made in such a way that the original entry can still be seen.

Division 2 - Miscellaneous matters

Labelling

73. A licensed weapons dealer must affix and keep affixed to each firearm in the dealer's possession a label that shows:

- (a) the entry number for the firearm shown in the dealings record; and
- (b) any identifying number of the firearm.

Penalty: Fine not exceeding \$1,000.

Display

74. A licensed weapons dealer must ensure that any weapon displayed in the dealer's premises:

- (a) is under the immediate supervision and control of the dealer or his or her employee; and
- (b) is not displayed to the public unless reasonable precautions are taken to prevent it from being stolen; and
- (c) is secured in a manner that would reasonably prevent its removal by a person other than the holder or employee.

Penalty: Fine not exceeding \$1,000.

Repair

75.-(1) A licensed weapons dealer must not take possession of a weapon to repair it unless the dealer has seen:

- (a) the licence of the person who is giving the weapon to the dealer; and
- (b) if it is a firearm, its current registration certificate.

Penalty: Fine not exceeding \$1,000.

(2) A licensed weapons dealer must not repair a firearm that is not registered.

Penalty: Fine not exceeding \$1,000.

Division 3 – Additional requirements where dealer not the Commissioner

Purchase and sale

76.-(1) A licensed weapons dealer must not purchase, acquire or take possession of a weapon from another person who is not a licensed weapons dealer unless that other person:

- (a) is authorised by a licence to possess the weapon; and
- (b) shows the licence to the weapons dealer.

Penalty: Fine not exceeding \$1,000.

(2) A licensed weapons dealer must not dispose of a weapon to a person unless that other person:

- (a) is authorised by a licence to acquire the weapon; and
- (b) shows the licence to the weapons dealer.

Penalty: Fine not exceeding \$1,000.

(3) The holder of a licence may dispose of a weapon to, or acquire a weapon from, another holder of a licence through the agency of a licensed weapons dealer.

Copy of records to be sent to Commissioner

77. A copy of an entry in a dealings record is to be sent to the Commissioner as and when required by the Commissioner.

Penalty: Fine not exceeding \$500.

Giving of information by dealer

78. A licensed weapons dealer, on being asked by a police officer, must:

- (a) show the dealings record to that officer; and
- (b) let the officer inspect and make copies of any entries in it; and
- (c) produce to the officer all firearms, firearm parts and ammunition, and other weapons, in the dealer's possession; and
- (d) give the officer any information in the dealer's possession about a firearm, firearm parts and ammunition, or other weapon:
 - (i) that has been manufactured, purchased or received by the dealer;
or
 - (ii) that is in the dealer's possession; or
 - (iii) that the dealer has sold or repaired.

Penalty: Fine not exceeding \$500.

Monthly returns

79.-(1) A licensed weapons dealer must give the Commissioner a return containing the information in the dealings record (see section 70) for the preceding month.

Penalty: Fine not exceeding \$500.

(2) The return must be given to the Commissioner within 7 days after the end of the month.

Penalty: Fine not exceeding \$500.

(3) The return must be in Form 5 in Schedule 2.

Dealer ceasing to hold licence

80. A person who ceases to hold a dealer licence must give the Commissioner a copy of the dealings record showing all dealings since the date of the last monthly return.

Penalty: Fine not exceeding \$500.

Loss, theft or destruction of weapon

81.-(1) A licensed weapons dealer must notify the Commissioner of the loss or theft of a weapon or firearm part in the dealer's possession as soon as practicable and not later than 24 hours after becoming aware of that loss, theft or destruction.

Penalty: Fine not exceeding \$1,000.

(2) The notice must be in an approved form.

PART 7 – BORDER CONTROL

Division 1 – Import and Export of Weapons

Importing weapons - licence

82. A person must not import a weapon unless the person:

- (a) holds a valid general licence, dealer licence or temporary licence for the weapon; and
- (b) produces the licence to a customs officer at the time of importation.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Exporting weapons

83. A person must not export a weapon unless the person:

- (a) has the written authority of the Commissioner; and
- (b) produces the authority to a customs officer before exporting the weapon.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Declaring to Customs

84.-(1) A person who imports a weapon must declare it to a customs officer at the time of importation.

(2) A person who exports a weapon must declare it to a customs officer before export.

(3) The person must:

- (a) give the customs officer an accurate description of the weapon; and
- (b) produce the weapon for inspection by the customs officer.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Mailing firearms outside [country]

85. A person must not send a firearm, firearm part or accessory, ammunition, or other weapon, to another person by mail unless:

- (a) the person sending it holds a dealer licence; and
- (b) the person has the written authority of the Commissioner ; and
- (c) the address to which it is sent is outside [country]; and
- (d) it is sent by secure mail; and
- (e) the other person would not, because of receiving it or being in possession of it at the place to which it is sent, be guilty of any offence under any law of that [country]; and
- (f) the other person holds an appropriate licence under the law of that country.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Transport

86.-(1) A person who proposes to transport a weapon through [country] must apply for the written authority of the Commissioner before doing so.

(2) The Commissioner may grant an authority subject to conditions about the manner of transshipment, transport, packing and storage of the weapon.

Weapons on foreign craft

87.-(1) The person in charge of a foreign craft must declare to a customs officer all weapons on board the craft.

- (2) While the craft is in [country], all weapons must:
- (a) be placed in secure storage on the craft under Customs seal; or
 - (b) if no secure storage is available, be placed in secure storage with the Commissioner.

Controlled movement of weapons

88.-(1) In this section:

“movement”, for a weapon, means:

- (a) importing the weapon into [country]; or
- (b) exporting the weapon from [country]; or
- (c) transporting the weapon through [country]

(2) The Commissioner may give a written approval for the movement of a weapon into, from or through [country] although the movement of the weapon would otherwise be prohibited by this Act.

(3) The Commissioner may give the approval if, and only if, the Commissioner is satisfied that approving the movement of the weapon is likely to lead to the apprehension of a person whom the Commissioner has reasonable grounds for believing has engaged in, is engaging in, or is likely to engage in, the illegal movement of weapons into, from or through [country] or a neighbouring country.

(4) The approval must state:
(a) the kind of weapons covered by the approval; and
(b) the period for which the approval is valid.

(5) An approval authorises the following acts:
(a) allowing a craft or vehicle to enter, leave or transit through [country]; and
(b) allowing delivery of a weapon in [country]; and
(c) placing a tracking device in the craft or vehicle; and
(d) allowing a person who possesses the weapon to enter, leave or transit through [country].

Division 2 – Offences

Failure to declare

89. A person who is importing or exporting a weapon must not refuse or fail to declare the weapon to a customs officer.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Misdescription

90. A person who is importing, exporting or transporting a weapon must not misdescribe the weapon.

Penalty: Fine not exceeding \$10,000 or imprisonment for a term not exceeding 10 years, or both.

Concealing weapon

91. A person must not conceal a weapon in connection with importing or exporting the weapon.

Penalty: Fine not exceeding \$10,000 or imprisonment for a term not exceeding 10 years, or both.

Transporting without authority

92.-(1) A person must not transport a weapon through [country] without the written authority of the Commissioner.

Penalty: Fine not exceeding \$10,000 or imprisonment for a term not exceeding 10 years, or both.

(2) A person who transports a weapon through [country] must comply with all conditions imposed by the Commissioner.

Penalty: Fine not exceeding \$10,000 or imprisonment for a term not exceeding 10 years, or both.

Trafficking

93.-(1) A person must not traffic in weapons.

Penalty: Fine not exceeding \$10,000 or imprisonment for a term not exceeding 10 years, or both.

(2) A person traffics in weapons if the person is not a licensed dealer and:

- (a) imports or exports more than 3 weapons of the same kind at the same time; or
- (b) imports or exports weapons more than 3 times in a month.

Part 8 Brokering of Arms or arms services

Definitions

94. In this Part, unless the context otherwise requires-

“broker” means any person who acts on behalf of others by negotiating or arranging contracts, purchases, sales or transfers of arms or arms services;

“brokering services” means-

- (a) acting as an agent in negotiating or arranging a contract, purchase, sale or transfer of conventional arms for a commission, advantage or cause, whether financially or otherwise;
- (b) acting as an agent in negotiating or arranging a contract for the provision of services for a commission, advantage or cause, whether financially or otherwise;
- (c) facilitating the transfer of documentation, payment, transportation or freight forwarding or any combination of these activities, in respect of any transaction relating to buying, selling or transfer of conventional arms;
- (d) acting as an intermediary between any manufacturer or supplier of conventional arms or provider of services and any buyer or recipient

“brokering activities” means the provision of brokering services and includes importing, exporting, purchasing, selling, transferring, supplying or delivering of arms or arms

services or any action taken to facilitate any of these activities including transporting, freight forwarding, mediating, insuring or financing;

“Committee” means the National Conventional Arms Control Committee established by section 95;

“conventional arms” includes-

- (a) weapons, munitions, explosives, bombs, armaments, vessels, vehicles and aircraft designed or manufactured for use in war and any other articles of war;
- (b) any component, equipment, system, processes and technology of whatever nature capable of being used in the design, development, manufacture, upgrading, refurbishment or maintenance of anything contemplated in paragraph (a);
- (c) dual-use goods

but does not include a weapon of mass destruction as defined in the Convention on the Non-Proliferation of Weapons of Mass Destruction;

“dual use goods” means products, technologies, services or other goods which, besides their normal use and application for civilian purposes can also be used for the furtherance of general military capability and which are contained in a list published by the Minister by notice in the *Gazette*;

“end-user certificate” means a certificate in section 105;

“export”, in relation to conventional arms, means the transfer of conventional arms from [country] to any place outside the [country] and “exportation” has a corresponding meaning;

“import”, in relation to conventional arms, means the transfer of conventional arms into the [country], irrespective of whether it is done in exchange for currency or any other commodity and “importation” has a corresponding meaning;

“manufacture” in relation to conventional arms, include the design, development, production and assembly and “manufacturing” has a corresponding meaning;

Arms Control Committee

95.-(1) This section establishes the Arms Control Committee.

(2) The objects of the Committee are to:

(a) implement Government policy regarding trade in conventional arms in order to establish, apply and ensure a legitimate, effective and transparent control process in and for the [name of country], which-

(i) conforms to international law and the guiding principles and criteria set out in section 103;

(ii) is applicable to the control and regulation of trade in conventional arms;

(b) protect the economic and national security interests of the [country] in accordance with the policy referred to in paragraph (a);

(c) foster national and international standards in the Committee's procedures for control over trade in conventional arms.

Functions of Committee

96.-(1) The Committee must-

(a) establish processes and structures necessary for effective control of trade in conventional arms;

(b) establish guidelines, structures and processes necessary for the scrutiny and assessment of an application for the issue of a permit;

(c) where necessary liaise with relevant Government agencies regarding the enforcement of this Act;

(d) authorize or decline the issue of any permit;

(e) ensure that the conditions under which a permit is issued are complied with;

(f) keep a register in the prescribed form of persons involved in trade in conventional arms;

(g) keep a register of every permit issued;

(h) issue reports as required.

(2) The Committee may-

(a) inside or outside the [country] conduct any investigation into, inspection of and research in connection with any trade in conventional arms;

(b) consult with the Minister with regard to any aspect that falls within the powers of the Minister in terms of this Act;

(c) evaluate and comment on trade in conventional arms

(d) make recommendations to Cabinet concerning the control of trade in conventional arms.

Composition of Committee

97.-(1) The membership of the Committee shall be as follows:

- (a) the Commissioner of Police who shall be the Chairperson;
- (b) the Comptroller of Customs;
- (c) the Chief Executive Officer of the Ministry responsible for health;
- (d) the Chief Executive Officer of the Ministry responsible for the environment;
- (e) the Chief Executive Officer of the Ministry of Finance;
- (f) one member of a Civil Society Organisation; and
- (g) one member of a national registered shooting association

(2) A member ceases to be a member of the Committee if that member-

- (a) resigns by written notice addressed to the Minister; or
- (b) ceases to hold any of the offices in subsection (1)(a) to (e).

(3) If a member of the Committee relinquishes membership before the expiry of his or her term, the Minister may appoint a new member for the unexpired portion of that period.

Committee members

98.-(1) The chairperson of the Committee must determine the scheduled time and place of Committee meeting and make this known to the other members of the Committee.

(2)(a) The Committee may determine its own procedure for meetings.

(b) Four of the members who must include the chairperson or deputy chairperson of the Committee, constitute a quorum.

(3) The Committee may cause minutes to be kept of its proceedings.

(4) The Committee may refer any matter to be considered by it to the Cabinet for a resolution, resolution which binds the Committee.

(5) The Committee may establish one or more subcommittees which must perform such functions as the Committee may direct.

Secretariat

99.-(1) The work incidental to the performance of the function of the Committee or a subcommittee must be performed by a secretariat consisting of administrative personnel.

(2) The members of the secretariat must be designated by the Minister, after consultation with the Secretary, from among the employees of the public service.

(3) The Minister may, with the concurrence of the Committee, appoint a person who is not in the full time employment of the State to the secretariat on such conditions of service and at such remuneration and service benefits as the Minister may determine, with the concurrence of the Cabinet.

Inspectorate

100.-(1) The Minister must establish an inspectorate that is separate from the secretariat.

(2) The Inspectorate is accountable only to the Committee.

(3) The object of the Inspectorate is to ensure-

(a) that trade in conventional arms is conducted in compliance with this Act; and

(b) that the internal regulatory processes of the Committee are complied with.

(4)(a) The Inspectorate consists of the persons appointed as inspectors by the Minister, in consultation with the Committee.

(b) An inspector must possess the necessary expertise to enable him or her to perform the functions of an inspector efficiently.

(5) Every inspector must be issued with a document, signed by the Minister, confirming that person's appointment as an inspector.

Control over conventional arms and arms services

101. No person may trade in conventional arms unless that person is registered with the secretariat and in possession of a permit authorized by the Committee and issued by the Secretariat.

Permits

102.-(1) Any person who wishes to obtain a permit under section 101 must apply to the Committee in the prescribed manner.

(2) The Committee may authorize the issue of a permit subject to such conditions as it may decide upon, or refuse to authorize the issue of a permit.

(3) The Committee must, by notice in writing to the person who has been issued a permit in terms of subsection (2)-

(a) cancel or suspend the person if any condition of the permit has not been or is not being complied with;

(b) cancel the permit if the person who has been issued the permit is convicted of an offence in terms of this Act;

(c) cancel, amend or suspend the permit if it is in the interest of the protection of the security of [country]; or

(d) cancel, amend or suspend the permit if it is in the interest of maintaining and promoting international peace or avoiding repression and terrorism.

(4) A permit issued under subsection (2)-

(a) must prescribe the quantity, type and value of the conventional arms which may be exported, re-exported, marketed, imported, conveyed, manufactured, traded or brokered;

(b) must prescribe the period within which, the harbor, port or airport through or from which, the person, country or territory from or to which, the route along which and the manner in which the conventional arms in question must be exported, re-exported, marketed, imported, conveyed, manufactured or trade; and

(c) may prescribe such other conditions as the Committee determines.

(5) An application for a permit for re-exportation of conventional arms must be accompanied by a notification issued by the government of the country from which such

conventional arms were originally imported, indicating that government's consent that such conventional arms may be so re-exported.

(6) A permit issued under subsection (2) expires-

(a) when the particulars of the holder no longer correspond with that person's particulars as entered in a register required under section 96(1)(g);

(b) upon the take-over, deregistration, insolvency or liquidation of the business concern in respect of which the permit was issued; or

(c) upon the death of the person to whom the permit was issued.

(7) A permit issued under this section may not be transferred.

(8) The Committee must refuse to authorize a permit if the applicant, or if the applicant is a company, any executive officer of the company or any member of its board of directors, has been convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine, either in the [country] or outside the [country] if the conduct constituting the offence would have been an offence in the [country].

Guiding principles and criteria

103. When considering applications under section 102, the Committee must-

(a) assess each application on a case by case basis;

(b) safeguard the national security interests of the [country] and those of its allies;

(c) avoid contributing to internal repression including the systematic violation or suppression of human rights and fundamental freedoms;

(d) avoid transfers of conventional arms to governments that systematically violate or suppress human rights and fundamental freedoms;

(e) avoid transfers of conventional arms that are likely to contribute to the escalation of regional military conflicts, endanger peace by introducing destabilizing military capabilities into a region or otherwise contribute to regional instability;

(f) adhere to international law, norms and practices and the international obligations and commitments of the [country] including United Nations Security arms embargoes;

(g) take account of calls for reduced military expenditure in the interests of development and human security;

- (h) avoid contributing to terrorism and crime;
- (i) consider the conventional arms control system of the recipient country and its record of compliance with end-user certificate undertakings and avoid the export of conventional arms to a government that has violated an end-user certificate undertaking;
- (j) take into account the inherent right of individual and collective self-defence of all sovereign countries in terms of the United Nations Charter; and
- (k) avoid the export of conventional arms that may be used for purposes other than the legitimate defence and security needs of the government of the country of import.

Accountability where conventional arms are exported

104. Where conventional arms are exported and-

- (a) ownership thereof is transferred, the Committee must satisfy itself that the government of the country of import has given an undertaking, reflected in an end-user certificate that the conventional arms in question will not be transferred, re-sold, or re-exported to any other country without the prior written approval of the Committee, acting on behalf of the Government of [country];
- (b) transfer of ownership does not take place, the Committee must-
 - (i) obtain a letter from the government of the country of import stating that the arms in question are intended for demonstration or evaluation purposes and whether they will be returned; or
 - (ii) obtain a letter from the applicant stating that the arms in question are being exported for repair or integration only and will be returned;
- (c) where there is an undertaking that the arms in question are to be returned, the Committee must satisfy itself that the conventional arms have been returned to the [country] in accordance with the undertaking;

- (d) the arms in question have been expended during demonstration, the Committee must obtain a certificate from the government of the country of import verifying that fact.

End-user certificate

105. Subject to section 104, whenever conventional arms are exported, a person authorized by the government of the country to which arms are exported must issue a certificate-

- (a) setting out the name and address of the declared end-user;
- (b) giving a description of the conventional arms and quantities involved;
- (c) undertaking that the conventional arms will not be transferred or re-exported to any other party or country without the authorization of the Government of [country];
- (d) undertaking that proof of importation will be supplied, by way of a Delivery Verification Certificate;
- (e) containing the authorization to issue the certificate in question; and
- (f) containing such matters as may be prescribed.

Routine inspections

106. An inspector of the Inspectorate may during normal office enter any premises, other than a private dwelling occupied or used by a person in possession of a permit, in order to determine whether the specifications and conditions of the permit are being complied with.

Entry and search of premises with warrant

107.-(1) An inspector of the Inspectorate may, on the authority of a warrant issued in terms of:

- (i) subsection (3), enter any premises specified in the warrant, including a private dwelling; and
- (a) inspect, photograph, copy, test and examine and any document, record, object or material which he or she suspects might contribute to the investigation authorized by the warrant, or cause it to be inspected, photographed, copied, tested and examined;
- (b) seize any such document, record, object or material if he or she has reason to suspect that it might be useful as evidence in a criminal trial; and

(c) examine any activity, operation or process carried out on the premises.

(2) Upon the request of an inspector acting in terms of a warrant issued in terms of subsection (3), the occupant and any other person present on the premises must-

- (a) make available or accessible or deliver it to the inspector any document, record, object or material which pertains to the investigation and which is in the possession or under the control of the occupant or other person;
- (b) furnish such information as he or she has with regard to the matter under investigation; and
- (c) render such reasonable assistance as the inspector may require to perform his or her functions under this Act.

(3) A warrant under subsection (1) must be issued by the court-

(a) in relation to premises on or from which there is reason to believe that trade in conventional arms is being conducted in contravention of this Act; and

(b) if it appears from information on oath or solemn declaration that there are reasonable grounds to believe that there is evidence available in or upon that premises of a breach of this Act.

(4) The warrant may impose such restrictions on the powers of the inspector as the court may deem appropriate in the circumstances.

(5) The inspector executing a warrant in terms of this section must immediately before commencing the inspection, identify himself or herself to the person in control of the premises, if such person is present and hand to such person a copy of the warrant or, if such person is not present, affix such copy to a prominent place on the premises.

Entry and search of premises without warrant

108. An inspector of the Inspectorate may without a warrant exercise any power referred to in section if-

- (a) the person who is competent to do so consents; or

(b) there are reasonable grounds to believe that a warrant would be issued in terms of section 107 and that the delay in obtaining the warrant would defeat the object of the warrant.

Disposal of items seized by inspector

109.-(1) The inspector of the Inspectorate must deliver anything seized in terms of section 107 or 108 without delay to a police official under [relevant section of the national Criminal Procedure Code], who must deal with and dispose of the seized item as provided for under that Act

(2) When a police official acts in terms of [relevant section of the national Criminal Procedure Code] in respect of an item under subsection (1), he or she must do so after consultation with the inspector of the Inspectorate.

Furnishing of information

110.-(1) Upon the written request of any competent authority, any person who trades in conventional arms in the course of his or her business must furnish the competent authority, with a specified period or at specified intervals, with such information at his or her disposal as may be specified in the request.

(2) The information referred to in subsection (1) must be accompanied by supporting documents and data as may be indicated in the request.

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Disclosure and non-disclosure of information

111.-(1) The Committee must-

- (a) Ensure compliance with the annual reporting requirements of the United Nations Register of Conventional Arms and simultaneously present to Parliament a copy of [country]'s annual report to the United Nations;
- (b) Make quarterly reports to the Cabinet and a committee of Parliament determined by Parliament on all conventional exports concluded during the preceding quarter; and
- (c) At the end of the first quarter of each year, present to Parliament and release to the public an annual report on all conventional arms exports concluded during the preceding calendar year.

(2) Subject to paragraph (c),

(a) the reports referred to in subsection (1)(b), must contain such information as may be prescribed and must set out the names of the importing states and the type, quantity and value of all the conventional arms in question.

(b) the report referred to in section (1)(c) may-

- (i) Only reflect the country and type of conventional arms involved and total value per type exported to the country for the year; and
- (ii) Reflect the quantity of conventional arms involved, except if disclosure is prohibited in terms of a confidentiality clause in the contract of sale.

(c) Information concerning the technical specifications of conventional arms may be omitted from a report in order to protect military and commercial secrets.

(3) No person may disclose any classified document or its content concerning the business of the Committee except with the permission of a competent authority or as required under the [national equivalent of the Access to Information Act].

Disclosure of interest

112.-(1) If any member of the Committee, a subcommittee or the secretariat or any inspector of the Inspectorate, has a direct or indirect pecuniary or other interest in any matter which could conflict with the proper performance of his or her duties in terms of this Act, he or she must disclose that interest as soon as practicable after the relevant facts came to his or her knowledge.

(2) If a member of the Committee or a subcommittee in subsection (1)-

(i) is present at a meeting of the Committee or the subcommittee at which a matter in that subsection is to be considered, the member must disclose the nature of his or her interest to the meeting before the matter is considered; or

(ii) fails to make a disclosure as required by this subsection and is present at a meeting of the committee or subcommittee, as the case may be, or in any other matter participates in the proceedings, such proceedings in relation to the relevant matter must, as soon as the non-disclosure is discovered, be reviewed and be varied or set aside by the Committee or the subcommittee, as the case maybe, without the participation of the member concerned.

(3) A member of the Committee or a subcommittee who is obliged to make a disclosure in terms of this subsection may not be present during any deliberation, or take part in any decision, in relation to the matter in question.

(4) Any disclosure made in terms of this subsection must be noted in the minutes of the relevant meeting of the Committee or subcommittee.

(5) A member of the Committee, a subcommittee or the secretariat or an inspector of the Inspectorate, who has disclosed a conflict of interest in terms of subsection (1) must be relieved of all duties relating to the matter and such duties must be performed by another member of the Committee, subcommittee or secretariat or by another inspector of the Inspectorate, as the case may be, who has no such conflict of interest.

Division 2 Offences

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Offences and penalties

113.-(1) A person commits an offence, if he or she-

- (a) trades in conventional arms contrary to section 101;
- (b) fails to comply with any specification or condition in a permit issued to that person or fails to comply with any condition of an end-user certificate;
- (c) furnishes any false information in complying with a request in terms of section 110 or refuses to subject any information required in terms of that section;
- (d) breaches section 110(3);
- (e) hinders or obstructs any inspector of the Inspectorate in the performance of any function in terms of this Act;
- (f) knowingly makes any false statement regarding a matter regulated in terms of this Act to any competent authority;
- (g) pretends to be an official of a competent authority or a person authorised by such competent authority;
- (h) refuses or fails to comply with any lawful request or order of a competent authority in terms of this Act;
- (i) purports to transfer a permit; or
- (j) fails to disclose an interest under section 112.

(2) A person who breaches subsection (1) commits an offence and is liable on conviction to term of imprisonment of up to [20 years] or a fine of [\$15,000] or both.

PART 9 - OFFENCES

Division 1 - Mailing, delivery or transporting firearms

Mailing firearms and ammunition within [country]

114.-(1) A person must not send any firearm, firearm part or ammunition, or other weapon, by mail to an address in [country].

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

(2) A person must not receive any firearm, firearm part or ammunition, or other weapon, by mail at an address in [country].

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

(3) A person must not ask another person, whether the other person is within or outside [country], to send any firearm, firearm part or ammunition, or other weapon, by mail to an address in [country], whether or not the request is made in writing or in connection with the purchase by the person of the weapon.

Penalty: Fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.

(4) A person is taken to ask another person if the person accepts an offer made by the other person within or outside [country] to forward any firearm, firearm part or ammunition, or other weapon, by mail to an address within [country].

(5) In proceedings for an offence under subsection (2), it is a defence for a person to prove that the firearm, firearm part or ammunition, or other weapon, was sent to the person without his or her knowledge or approval.

(6) This section does not apply to a licensed weapons dealer who is sending to, or receiving from, another licensed weapons dealer any firearm, firearm part or ammunition, or other weapon.

[NOTE: For mailing firearms outside [country], see section 85, which deals with border control.]

Transport of firearms and ammunition

115. A person who is engaged in the business of transporting goods must not knowingly transport a package that contains both a firearm or firearm part and ammunition.

Penalty: Fine not exceeding \$500.

Division 2 –Purchase, sale and possession

Purchase of weapons

116. A person who is not a licensed weapons dealer may only purchase a weapon from a licensed weapons dealer.

Penalty: Fine not exceeding \$2,000.00 or imprisonment for a term not exceeding 2 years, or both.

Possession and use of weapon under licence

117. The holder of a licence must not possess or use a weapon:

- (a) if a purpose is specified in the licence, for any other purpose; and
- (b) if a place is specified in the licence, at any other place.

Penalty:

- (a) for the holder of a weapons dealer licence, a fine not exceeding \$5,000.00 or imprisonment for a term not exceeding 5 years, or both; or

- (b) for the holder of a general licence, a fine not exceeding \$2,000.00 or imprisonment for a term not exceeding 2 years, or both.

Possession and sale of ammunition

118.-(1) A person must not possess ammunition unless the person holds a licence for a firearm that takes that ammunition.

Penalty: Fine not exceeding \$500.

(2) A person must not possess a greater amount of ammunition than the amount stated in the person's licence.

Penalty: Fine not exceeding \$500.

(3) A person must not acquire ammunition for any firearm unless the person holds a licence for a firearm that takes that ammunition.

Penalty: Fine not exceeding \$500.

(4) A person must not dispose of ammunition for a firearm to another person unless the other person shows the seller the person's licence for a firearm that takes that ammunition.

Penalty: Fine not exceeding \$500.

Inspection of weapons

119.-(1) A person who carries a firearm or firearm part or accessory, or other weapon, must produce to a police officer, when asked to do so:

- (a) the firearm or firearm part or other weapon; and
- (b) the person's licence for the firearm or firearm part, or other weapon.

Penalty: Fine not exceeding \$1,000 or imprisonment for a term not exceeding 12 months, or both.

(2) The person:

- (a) must tell the police officer the person's full name and address when the police officer asks the person to do so; and
- (b) must not give a false name or address.

Penalty: Fine not exceeding \$1,000.

(3) A person is guilty of an offence under subsection (2) only if the police officer, when asking, explains to the person that failure to tell the officer the name and address is an offence under this Act.

(4) A person who does not show a licence to a police officer is not guilty of an offence under subsection (1) if the person:

- (a) has a reasonable excuse for not having the licence when asked to show it; and

- (b) shows it to the police officer who asked for it, or to another police officer named by the first officer, within 7 days after being asked.

Surrender of firearms by unauthorised persons

120.-(1) A person who comes into possession of a firearm and who is not authorised under this Act to possess the firearm must as soon as practicable hand the firearm in at the nearest police station.

Penalty: Fine not exceeding \$500 or imprisonment for a term not exceeding 5 years, or both.

- (2) A person who does this does not commit an offence under this Act.

Division 3 - Miscellaneous

Possession of firearm in public place

121.-(1) A person must not possess a loaded firearm in a vehicle in a public place.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

- (2) A person must not possess a firearm in a public place unless the person:
 - (a) holds a licence for the firearm; and
 - (b) is using the firearm for the purpose stated in the licence.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

- (3) A firearm is loaded if it has:
 - (a) a round in its chamber; or
 - (b) a magazine attached to it.

Discharge of firearm in public place

122. A person must not discharge a firearm from, into or over a public place unless the person:

- (a) holds a licence for the firearm; and
- (b) is using the firearm for the purpose stated in the licence.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Recklessly discharging firearm

123. A person must not discharge a firearm recklessly or without due regard to the safety of any other person or property.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

(2) A person must not discharge a firearm within 250 metres of a building where people live or work except with the consent of the occupier of the building.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Prohibited places

124.-(1) A person must not possess a firearm in a prohibited place.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

(2) In this section, *prohibited place* means:

- (a) a school, college, university or other educational institution; and
- (b) any other place declared by the Commissioner to be a prohibited place or prohibited area.

(3) The Commissioner may from time to time in writing declare a place or an area to be a prohibited place.

(4) The declaration must clearly describe the place or area.

(5) The Commissioner must ensure that details of the declaration are made public by:

- (a) publication in the gazette or a newspaper circulating in [country]; or
- (b) broadcasting by radio or television.

Altering firearm

125. A person must not:

- (a) shorten a firearm; or
- (b) alter the action of a firearm; or
- (c) possess a firearm that has been shortened or altered; or
- (d) dispose of a firearm that has been shortened or altered.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Firearm accessories and magazines

126.-(1) A person must not use, keep, possess, sell or manufacture a firearm accessory.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

(2) A person must not use, keep, possess, sell, acquire or manufacture a detachable magazine that is:

- (a) capable of holding more than 5 rounds; or
- (b) designed or adapted for use with a self-loading centre-fire rifle.

Penalty: Fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.

Restrictions on alcohol and drugs

127.-(1) A person must not handle or use a firearm while the person is under the influence of alcohol or any other drug.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

(2) A person must not sell or give possession of a firearm to another person if:

- (a) the person knows or has reasonable cause to believe that the other person is under the influence of alcohol or any other drug; or
- (b) the other person's appearance or behaviour is such that the first person believes or has reasonable cause to believe that the other person is incapable of exercising responsible control over the firearm.

Penalty: Fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.

Misuse of licences

128. A person must not:

- (a) falsely represent himself or herself to be the holder of a licence; or
- (b) forge or fraudulently alter a licence; or
- (c) give a licence to a person who is not a police officer; or
- (d) allow another person to use the first person's licence; or
- (e) have possession of, or use, a forged, fraudulently altered, borrowed or stolen licence.

Penalty: Fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.

Defacing or altering identification marks

129. A person must not deface or alter any number, letter or identification mark on a firearm or firearm part or accessory.

Penalty: Fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years, or both.

Altering or falsifying records

130. A person must not:

- (a) alter a record required to be made or kept under this Act; or

- (b) omit any information required to be in a record kept under this Act; or
 - (c) make a false or misleading entry in a record kept under this Act.
- Penalty: Fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.

False or misleading statements

131. A person, in making an application or giving information, must not:
- (a) make a statement knowing it to be false or misleading; or
 - (b) omit any matter knowing that without that matter the application or information is false or misleading.
- Penalty: Fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.

Offences by corporations

- 132.-(1) If a corporation contravenes any provision of this Act, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision of this Act whether or not the corporation has been proceeded against or convicted under that provision.
- (3) This section does not affect any liability imposed on a corporation for an offence committed by the corporation under this Act.

Attempts

133. A person who attempts to commit an act that constitutes an offence under this Act is guilty of an offence punishable by the same penalty that relates to the offence attempted.

Amnesty

- 134.-(1) The [Minister] may from time to time in writing declare a firearm amnesty period.
- (2) A person who hands a weapon in at a police station during a firearm amnesty period does not commit an offence under section 20 or 96 (which deal with possessing a weapon

PART 10 - POWERS OF POLICE AND CUSTOMS OFFICERS

Seizure of weapons

- 135.-(1) A police officer may at any time seize a weapon that:

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- (a) is in the possession of a person who does not hold a licence for the weapon; or
- (b) is in the possession of a person whose licence has been suspended or cancelled; or
- (c) is an unregistered firearm; or
- (d) is not stored as required by Part 5.

[NOTE: Weapons can also be seized under sections 137 and 139.]

- (2) The police officer must immediately store the weapon in accordance with section 6.

Handing over firearm

136.-(1) A police officer may require a person the police officer reasonably suspects has possession of a firearm in a public place or in a vehicle in a public place, to give the firearm to the police officer for examination.

(2) A customs officer may require a person the customs officer reasonably suspects has possession of a firearm in a customs controlled area, or in a vehicle in a customs controlled area, to give the firearm to the customs officer for examination.

(3) For the purpose of subsections (1) and (2), a police officer or customs officer may require a person driving or in control of a vehicle to stop the vehicle.

(4) This section applies to a firearm whether or not it is loaded.

(5) A person must comply with a requirement under this section.

Penalty: Fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.

Search and arrest for offences

137.-(1) A police officer who has reasonable grounds to suspect that a person has committed, is committing, or is about to commit, an offence under this Act may, without warrant:

- (a) search that person and any package or other thing in that person's possession; and
- (b) if the person is on or in a craft or vehicle, search the craft or vehicle; and
- (c) seize any firearm or ammunition that is found; and
- (d) seize any licence found in that person's possession; and
- (e) if the person is found to be in possession of a firearm or ammunition, arrest the person.

(2) A customs officer who has reasonable ground to suspect that a person in a customs controlled area has committed, is committing, or is about to commit, an offence under the this Act or the Customs Act may:

- (a) search that person and any package or other thing in that person's possession; and
 - (b) if the person is on or in a craft or vehicle, search the craft or vehicle; and
 - (c) seize any firearm or ammunition that is found.
- (3) For the purposes of subsections (1) and (2), a police officer or customs officer may:
- (a) require a person driving or in control of a vehicle to stop the vehicle; and
 - (b) require a person in control of a craft to stop the craft; and
 - (c) board and search the craft.
- (3) A person must comply with a requirement under this section.
- (4) Penalty: Fine not exceeding \$2,000 or imprisonment for a term not exceeding 2 years, or both.
- (5) The police officer or customs officer must ensure any firearm and ammunition seized under this section is stored in accordance with section 6.

Records or documents seized under search warrants

- 138.- (1) If a record or document that appears to show that an offence under this Act has been, is being, or is about to be, committed has been seized under a warrant issued under another law:
- (a) it may be kept for as long as is necessary to enable it to be inspected and for copies to be taken; and
 - (b) it may be inspected and copies taken at any reasonable time by a person who would be entitled to inspect it if it had not been so seized.
- (2) If a person has a lien on anything seized under a search warrant, anything done under the warrant in relation to the thing seized does not affect the lien.

Dangerous situations

- 139.- (1) A police officer who has reasonable ground to expect that:
- (a) a person possesses a firearm; and
 - (b) the person is likely to use the firearm in circumstances where death or injury to a person is likely;
- may, without a warrant and using any force reasonably necessary and with the assistance of any other person:
- (c) enter the premises where that person is; and
 - (d) search the premises where the person was found; and
 - (e) seize any firearm, firearm part or accessory or ammunition found on the premises or on any person on those premises.

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(2) The power given by subsection (1) may be exercised whether or not another person is present at the time.

Firearms dealer's premises

140. A police officer may, at any reasonable time:

- (a) enter and inspect any premises specified in a dealer licence as the premises at which the weapons dealer may carry on business; and
- (b) examine any firearm or ammunition on those premises.

Arrest without warrant

141. A police officer may arrest a person without a warrant if the police officer reasonably believes that the person has committed or is committing an offence under section 121, 122, 123 or 124.

PART 11 - APPEALS

Appeals

142.-(1) A person may appeal to [a magistrate/the Court] against:

- (a) the Commissioner's refusal or failure to issue a licence to the person; or
- (b) a condition imposed by the Commissioner on a licence; or
- (c) the cancellation of a licence issued to the person, other than a cancellation under section 48.

(2) An appeal is to be instituted within 14 days after:

- (a) the person receives notice of the refusal; or
- (b) the licence is issued; or
- (c) the person receives notice of the cancellation.

Determination of appeal

143.-(1) In deciding an appeal, a magistrate must be satisfied about a fact to the same extent as the Commissioner is required to be.

(2) A magistrate may decide an appeal by:

- (a) dismissing it; or
- (b) directing the Commissioner to take any action under this Act the magistrate considers appropriate.

Determination final and binding

144. The magistrate's decision on an appeal:

- (a) is final; and
- (b) is binding on the appellant and the Commissioner.

PART 12 - MISCELLANEOUS

Weapons possessed at the commencement of this Act

145.-(1) A person who possesses a prohibited weapon on the commencement day must surrender the weapon to a police officer within the surrender period.

(2) A person who possesses any other weapon on the commencement day must, within the surrender period:

- (a) surrender the weapon to a police officer; or
- (b) apply for a licence for the weapon.

(3) If the Commissioner refuses to issue a licence for the weapon, the person must surrender the weapon to a police officer within 2 days of being notified of the refusal.

(4) In this section:

commencement day means the day on which this Act commences.

surrender period means the period of 14 days after the commencement day.

Inherited firearms

146.-(1) If a person possessed a firearm at the time of the person's death, another person who gains possession of the firearm because of the first person's death must give it to the Commissioner within 14 days of gaining possession of it.

Penalty: Fine not exceeding \$1,000 or imprisonment for a term not exceeding 12 months, or both.

(2) If the firearm is registered, the Commissioner must hold it in safe custody until:

- (a) it is lawfully claimed by a person who is entitled to possess it under this Act; or
- (b) the Commissioner is asked by:
 - (i) a person who is entitled to the firearm but not entitled to possess it under this Act; or
 - (ii) the personal representative of the dead person or, if there is no personal representative, a person entitled to part of the proceeds of sale of the firearm;to give the firearm to a licensed weapons dealer nominated by the person for sale by the dealer.

Disclosure by doctors of certain information

147.-(1) A medical practitioner must tell the Commissioner in writing if he or she reasonably suspects that:

- (a) a patient is likely to possess a firearm; and
- (b) it is or may be unsafe, either for the patient or for another person, if the patient possesses a firearm; and

- (c) this is:
 - (i) because of the patient's physical or mental condition; or
 - (ii) because the patient may be a threat to public safety.
- (2) A notice must state:
 - (a) the patient's name and address; and
 - (b) the reason for the medical practitioner's opinion.
- (3) Giving this information to the Commissioner does not give rise to any criminal or civil liability of the medical practitioner.

Disposal of surrendered or seized weapons

- 148.-(1) A police officer or customs officer, or a person who claims to own a firearm, firearm part or accessory, another weapon or ammunition handed in or seized under this Act, may apply to a magistrate for an order under this section.
- (2) A magistrate may order that the firearm, firearm part or accessory, other weapon or ammunition:
 - (a) is forfeited to the government of [country]; or
 - (b) is to be returned to the person claiming to own it; or
 - (c) is to be disposed of in any way the magistrate decides.
 - (3) If a person is convicted of an offence under Part 5 (which deals with safekeeping of weapons) and a police officer has seized any firearm or ammunition under section 135, 137 or 139, the firearm or ammunition:
 - (a) is taken to be forfeited to the government of [country]; and
 - (b) may be destroyed.
 - (4) This section does not apply to a firearm that is handed in under section 145.
 - (5) The Auditor-General is to arrange for an independent audit of all firearms disposed of under this Act to be carried out once every year and given to the Minister.
 - (6) The Minister must table a report of the audit in the Parliament within 2 months of receiving the audit.

Liability of parent or guardian

- 149.-(1) If a child under the age of 18 years commits an offence under this Act, each parent or guardian of the child is taken to have committed that offence if the parent or guardian knowingly authorised or permitted the offence.
- (2) A parent or guardian may be proceeded against and convicted of an offence whether or not the child has been proceeded against or convicted of that offence.

(3) This section does not affect the child's liability for an offence he or she committed under this Act.

Delegation

150. (1) The Commissioner may delegate to a police officer of or above the rank of [Superintendent] any of the Commissioner's functions or powers under this Act, other than this power of delegation.

(2) The Commissioner must keep a record of each delegation.

Evidence

151. A certificate signed by the Commissioner or an approved person certifying any one or more of the following matters is admissible in any proceedings for an offence under this Act and is evidence of those matters:

- (a) that a specified person was or was not, on a specified day or during a specified period, the holder of a licence;
- (b) that a licence was or was not, on a specified day or during a specified period, subject to specified conditions;
- (c) that a licence was or was not, on a specified day or during a specified period, a licence relating to a specified type of weapon for a specified purpose;
- (d) that a specified firearm was registered or unregistered on a specified day or during a specified period;
- (e) that a specified person was or was not registered as the owner of a firearm on a specified day or during a specified period;
- (f) that a specified address was, on a specified day, the last address known to the Commissioner of a specified person;

Immunity from liability

152.-(1) The Commissioner, a police officer or a customs officer is not personally liable for an honest act or omission done or made in the exercise or purported exercise of a power, or in the performance or purported performance of a function, under this Act.

(2) Subsection (1) does not prevent the government of [country] from being subject to any action, liability, claim or demand to which it would, but for this subsection, have been subject.

Regulations

153.-(1) The Minister may make regulations to give effect to this Act and, in particular, to:

- (a) alter the forms in Schedule 2, or prescribe new forms; and
- (b) fix the amount of fees payable under this Act.

(2) In relation to Part 8, the Minister may make regulations with the concurrence of the Committee regarding-

- (a) the procedure to be followed when applying for a permit under the Act and the disclosure of information relating to that procedure;
- (b) the conditions under which a permit may be issued and the disclosure of information relating to that conditions;
- (c) matters which must be contained in an end-user certificate;
- (d) the keeping of records, minutes, registers and financial statements by any person who is the holder of a permit in terms of this Act;
- (e) the format of reports to be furnished to the Minister, the Committee, the Cabinet or Parliament in relation to this Act;
- (f) any other matter which may be necessary or expedient to achieve the objects of this Part.

(3) Any regulation made under subsection (2) which is likely to result in State expenditure must be made with the concurrence of the Minister of Finance.

SCHEDULE 1

Prohibited weapons

1. A machine gun, submachine gun or other firearm capable of propelling projectiles in rapid succession during one pressure of the trigger.
2. A self-loading rim-fire rifle.
3. A self-loading centre-fire rifle.
4. A self-loading shotgun.
5. A pump-action shotgun.
6. A fully automatic hand gun.
7. A firearm that substantially looks like a firearm described in item 1.
8. A hand gun of a reduced or abridged size.
9. A homemade firearm.
10. A firearm part or accessory for a firearm that is listed below.

Acoustic antipersonnel device	a device designed to cause permanent or temporary incapacity or disability, or to otherwise physically disorient persons by the use of sound
anti-personnel spray	A spray or other device that discharges one or more of the following substances in liquid, powder or gaseous form; <ol style="list-style-type: none"> (a) chloroacetophenone, known as CN (b) orthochlorobenzalmalonotrile, known As CS (c) dypenylaminechloroarsone, known as DM or Adamsite (d) oleorosin capsicum, known as OC (e) any other substance that is corrosive, noxious or an irritant, or is capable of causing injury
Ballistic knife	A knife that propels or releases a blade of any material by any means other than an explosive
Blow-gun Blow-pipe	A pipe or tube through which missiles in the form of darts are projected by any means (including exhaled breath) other than an explosive
Body armour	Body armour Designed to be worn on any part of the body to protect the wearer from ballistic or fragmentation materials (other than helmets or articles used for eye or hearing protection)
Bowen knife belt	A belt or belt buckle that conceals or disguises a knife or a single-edged or multi-edged blade or spike of any length and any material
Butterfly knife Balisong	A single-edged or multi-edged blade or spike that fits within 2 handles attached to the blade or spike by transverse pivot pins and is capable of being opened by gravity or centrifugal force

Dagger	A sharp pointed stabbing instrument, of any material, ordinarily capable of being concealed on the person, with: (a) a flat blade with cutting edges on both sides; or (b) a needle-like blade whose cross-section is elliptical or has 3 or more sides
Dart	A thing capable of being projected out of a blow-pipe
Dart projector Dartchery dartslinger	A device designed to project a dart using an elastic band
Extendable baton Telegraphic baton	A baton designed or adapted so that the length of the baton extends by gravity or centrifugal force or by pressure applied to a button, spring or device in or attached to the baton's handle
Flail	A staff or handle that has fitted to one end, by any means, a freely swinging striking part that is armed with spikes or studded with any protruding matter
Flick knife	A knife of any material that has a blade folded or recessed into the handle that opens automatically by gravity or centrifugal force or by pressure applied to a button, spring or device in or attached to the knife's handle
	Goods that incorporate a concealed knife, blade or spike of any material and any length
Hand claw Foot claw	An article consisting of claws that are made or modified to be attached to or worn on the hands or feet (e.g. the martial arts weapon known as ninja claws)
Hand-held electric anti-personnel device	A device designed to administer an electric shock on contact, other than an electric cattle prod (e.g. the Taser self-defence weapon or an electrified brief-case)
Hunting sling Catapult Slingshot	A device designed for use with, or a part of which is a brace that: (a) fits or rests on the forearm or another part of the user's body; and (b) supports the wrist against the tension of elastic material used to propel a projectile
Knife	A knife, blade or spike that contains neither metal or ceramics (other than plastic cutlery)
Knuckle-duster	An article that fits over the knuckles of the user's hand to protect the knuckles and increase the effect of a punch or blow
Mace	A club or staff fitted with a flanged or spiked head, other than a mace used on ceremonial occasions

Pistol cross-bow	A crossbow designed to be used with one hand
Push knife	A single-edged or multi-edged blade or spike of any material that has a handle fitted transversely to the blade or spike that allows the blade or spike to be supported by the palm of the hand so that stabbing blows can be inflicted by a punching or pushing action
Riding crop	A riding crop that conceals or disguises a knife or any single-edged or multi-edged blade or spike of any length or any material
Shark dart	A device designed to expel, on or after contact, a gas or other substance capable of causing bodily harm
Sheath knife	A device that has a sheath that withdraws into its handle by gravity or centrifugal force or by pressure applied to a button, spring or device attached to or forming part of the sheath, handle or blade
Slingshot	An elasticised band secured to the forks of a “Y” shaped frame that appears to be commercially manufactured
Star knife	A device that has more than one angular point, of any material, pointing outwardly from a single axis point and designed to spin around the central axis point in flight when thrown
Studded glove	A glove (including a fingerless glove) designed or constructed to be used as a weapon, that has a number of raised studs or spikes made of a hard substance on the back of the glove that increase the effect of a punch or blow
Throwing blade	A knife or axe of any material that is designed or modified to be thrown
Trench knife	A single-edged or multi-edged blade or spike of any material fitted with a handle made of a hard substance that fits over the user’s knuckles to protect that knuckles and increase the effect of a punch or blow
Walking stick Cane	A stick or cane that contains, conceals or disguises a sword or any other single-edged or multi-edged blade, knife or spike of any length or any material
Weighted glove	A glove (including a fingerless glove) that is weighted and designed or constructed to be used as a weapon

Form 2 – Dealer Licence

Weapons Control Act 201X

Sections 30, 43

DEALER LICENCE

Licence No:

1. This Licence issued by the Commissioner of Police authorises

_____ of _____
name of licence holder address

born on _____ at _____
date of birth place of birth

to deal in _____
detailed description of types of weapons and ammunition

at _____
place where dealer may operate dealing business

2. The weapons must be stored as required by Part 3 of the *Weapons Control Act 201X*.

3. The holder of this licence must comply with Part 6 of the *Weapons Control Act 201X*.

4. This licence is also subject to the conditions in the *Weapons Control Act 201x*.

5. The holder of this licence must comply with the *Weapons Control Act 201X*.

Signature of licensee date

Issued on _____ by _____
Date of issue title and name of issuing officer

Signature of issuing officer

Form 3 – Temporary Licence

Weapons Control Act 201X

Sections 31, 43

TEMPORARY WEAPONS LICENCE

Licence No:

1. This Licence issued by the Commissioner of Police authorises

_____ of _____
name of licence holder address

born on _____ at _____
date of birth place of birth

(a) to possess and use _____
detailed description of weapon

for the purpose of training for and competing in _____
name of sporting event where the weapon will be used

to be held at _____ on _____
place where sporting event is to be held date of event

[if the weapon is a firearm, add]

(b) to possess not more than _____ of _____
quantity of ammunition type of ammunition

at any one time.

2. The weapon may only be possessed and used for this sporting event.

3. The weapon must be stored as required by the *Weapons Control Act 201X*.

4. This licence is subject to the conditions in the *Weapons Control Act 201X*.

5. The holder of this licence must comply with the *Weapons Control Act 201X*.

Signature of licensee date

Issued on _____ by _____
Date of issue name of issuing officer

Signature of issuing officer

Form 4 – User licence

Weapons Control Act 201X

Sections 32, 43

USER LICENCE

No:

1. This Licence issued by the Commissioner of Police authorises
_____ of _____
name of licence holder address
born on _____ at _____
date of birth place of birth
(a) to use _____
detailed description of weapon
for _____
purpose of using weapon

2. It is a condition of this licence that the weapon may only be used for that purpose at that place.

3. The General Licence No. _____ for this weapon was issued to
general licence No.
_____ of _____
name of holder of general licence holder's address
on _____
date of issue of general licence for this weapon

4. This licence does not authorise the holder to keep the weapon in his or her possession.

5. The weapon must be stored as required by the *Weapons Control Act 201X*.

6. This licence is subject to the conditions in the *Weapons Control Act 201X*.

7. The holder of this licence must comply with the *Weapons Control Act 201X*.

Signature of licensee date

Issued on _____ by _____
Date of issue name of issuing officer

Signature of issuing officer

Form 5 – Dealer’s monthly return

Weapons Control Act 201X

Section 79

MONTHLY RETURN Dealer Licence No:

I, _____ of _____
Dealer’s name dealer’s address

carrying on business as a weapons dealer at _____
address of dealer’s business

submit the following return for the month of _____
month and year covered by return

1. Details of acquisitions during the month:

Date	Name	Address	Licence No	Weapon type & make	Ammunition type	Serial No.	Calibre & action	Magazine capacity

2. Details of disposals during the month:

Date	Name	Address	Licence No	Weapon type & make	Ammunition type	Serial No.	Calibre & action	Magazine capacity

3. Details of weapons held at the end of the month:

Weapon type	Make	Serial No.	Calibre	Action	Magazine capacity	Quantity

4. Details of ammunition held at the end of the month:

Type	Quantity

Date of return:

_____ Dealer's signature

