

Firearms Act 1996

An Act to provide for the regulation, registration and control of firearms
[Royal Assent 30 August 1996]

Preamble
Whereas -

(a) following the tragic events which occurred at Port Arthur on 28 April 1996, the three political parties represented in the Parliament, namely the Australian Labor Party, the Liberal Party of Australia and the Tasmanian Greens, have agreed together that the laws relating to the control of firearms in Tasmania should be consistent with the laws applying in other States and Territories of the Commonwealth of Australia; and

(b) the Australasian Police Ministers' Council has adopted a set of resolutions specifying common standards which are to be applied in all States and Territories, and those three parties have agreed to support the implementation of those standards in Tasmania,

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 - Preliminary

1. Short title

This Act may be cited as the Firearms Act 1996.

2. Commencement

The provisions of this Act commence on a day to be proclaimed.

3. Interpretation

In this Act -

air pistol means a pistol that propels, or is capable of propelling, a projectile by means of compressed gas or air;

air rifle means a firearm that propels, or is capable of propelling, a projectile by means of compressed gas or air;

ammunition means -

(a) anything consisting of a cartridge case fitted with a primer and a projectile; or

(b) anything consisting of a cartridge case fitted with primer material and containing both a propelling charge and a projectile; or

(c) any blankfire cartridge, airgun pellet, training cartridge or

gas cartridge; or

(d) any explosive component of ammunition; or

(e) any other prescribed article;

approved means approved by the Commissioner;

approved firearms safety course means an accredited course relating to the safe possession and use of firearms as approved by the Commissioner;

barrel length means -

(a) in the case of a revolver, the distance from the muzzle of the barrel to the breach end immediately in front of the cylinder; and

(b) in any other case, the distance from the muzzle of the barrel to the point of the breach face (which includes the chamber);

Category A firearms licence means a licence referred to in section 14;

Category B firearms licence means a licence referred to in section 15;

Category C firearms licence means a licence referred to in section 16;

Category D firearms licence means a licence referred to in section 17;

Category H firearms licence means a licence referred to in section 18;

certificate of registration means the certificate of registration referred to in section 78;

Commissioner means the Commissioner of Police;

corresponding, in relation to a licence, means a licence in force under a law of another State or Territory that, in the opinion of the Commissioner, corresponds to a licence under this Act;

deal, in relation to a firearm, means to -

(a) manufacture, buy or sell firearms and firearm parts; or

(b) possess firearms and firearm parts for the purpose of sale, transfer, storage or testing; or

(c) possess firearm parts for the purpose of manufacturing firearms; or

(d) possess firearms and firearm parts for the purpose of repair in the ordinary course of business; or

(e) sell ammunition;

dealings record means a record kept under section 89;

employment, with a firearms dealer, includes engagement under a contract for services;

ex-military means originally designed or intended for, but never in or no longer in, military use;

family violence order means a family violence order within the meaning of the _Family Violence Act 2004_;

firearm means -

(a) a gun or other weapon that is capable of propelling anything wholly or partly by means of an explosive; and

(b) a blankfire firearm; and

(c) an air rifle; and

(d) an air pistol; and

(e) an imitation firearm, other than a toy; and

(f) any other prescribed thing; and

(g) any thing that would be a firearm under paragraph (a), (b), (c) or (d) if it did not have something missing from it or a defect or obstruction in it;

firearm part means a barrel, breech, trigger mechanism, operating mechanism or magazine;

firearms dealer means a person who, in carrying on a business, deals in firearms;

firearms dealer employee licence means a licence referred to in section 19A;

firearms dealer licence means a licence referred to in section 19;

firearms licence means any firearms licence referred to in Division 2 of Part 2;

firearms museum licence means a licence referred to in section 20;

firearms prohibition order means an order in force under Part 8;

genuine reason means a genuine reason as referred to in section 37;

heirloom firearm means a firearm inherited by a person from the

grandparent, parent, brother, sister, uncle or aunt of that person;

interim family violence order means an interim family violence order within the meaning of the Family Violence Act 2004;

interim restraint order means -

(a) an interim restraint order as defined in Part XA of the Justices Act 1959; and

(b) any other interim order or decision under an Act or law of a place other than Tasmania that is prescribed for the purposes of this definition;

licence means any licence in force under this Act;

licensed means licensed under this Act;

licensee means the holder of a licence;

light ordnance means -

(a) a bazooka, rocket launcher or prescribed weapon that, although not a firearm within the meaning of this Act, is designed to be capable of -

(i) being carried and used manually; and

(ii) firing a projectile by non-explosive means such as a propellant; and

(b) a shell, rocket or other projectile that -

(i) is designed to be fired by a weapon referred to in paragraph (a); and

(ii) has not been permanently rendered inert;

militaria firearms licence means a licence referred to in section 21A;

minor means a person under the age of 18 years;

minor's permit means a permit in force under Division 2 of Part 3;

particular purpose means a purpose established under Division 6 of Part 2 as being a genuine reason for possessing or using a firearm;

permit means a permit in force under Division 1 of Part 3;

pistol means a firearm that -

(a) is reasonably capable of being raised and fired by one hand; and

(b) has an overall length not exceeding 65cm;

police family violence order means a police family violence order within the meaning of the _Family Violence Act 2004_;

police officer means a member of the Police Service established under section 4 of the _Police Service Act 2003_;

possession includes custody or control;

prohibited firearm means a firearm specified in Schedule 1;

prohibited pistol means a pistol prescribed as a prohibited pistol in the regulations;

register means the register of firearms referred to in section 83;

registered means registered under this Act;

registrant means a person in whose name a firearm is registered under Part 4;

restraint order means -

(a) a restraint order and an interstate restraint order as defined in Part XA of the _Justices Act 1959_; and

(b) any other order or decision under an Act or law of a place other than Tasmania that is prescribed for the purposes of this definition;

security agent has the same meaning as in the _Security and Investigations Agents Act 2002_;

security guard has the same meaning as in the _Security and Investigations Agents Act 2002_;

sell includes -

(a) dispose of for valuable consideration; and

(b) barter; and

(c) dispose of to an agent for sale on consignment; and

(d) offer or attempt to sell; and

(e) receive or have in possession for sale; and

(f) expose for sale; and

(g) send or deliver for sale; and

(h) cause or permit to be sold, as offered or exposed for sale; and

(i) dispose of by way of raffle, lottery or other game of chance;

use, in relation to a firearm, means -

(a) fire the firearm; or

(b) hold it so as to cause a reasonable belief that it will be fired, whether or not it is capable of being fired.

3A. Meaning of "close associate" of firearms dealer

(1) For the purposes of this Act, a person is taken to be a close associate of the holder of or an applicant for a firearms dealer licence if the person (either in his or her own right or on behalf of any other person) -

(a) holds or will hold a relevant financial interest or relevant position in the business that is or is proposed to be carried on under the licence and, by virtue of that interest or position, is or will be able to exercise a significant influence over that business; or

(b) is entitled to exercise a relevant power over the conduct of the business that is or is proposed to be carried on under the licence.

(2) In this section -

relevant financial interest, in a business, means an interest in the capital or assets of the business or an entitlement to receive, in any capacity, any income from the business;

relevant position, in a business, means a position whose occupant participates in the management of the business;

relevant power, over the conduct of a business, means a power (however exercisable) to participate in any managerial or executive decision or to elect or appoint any person to a relevant position.

4. Possession of firearms

For the purposes of this Act -

(a) if a person knowingly has a firearm in the custody of another person, the first-mentioned person is still taken to possess the firearm; and

(b) if 2 or more persons possess parts of a firearm, each of them is taken to possess the firearm.

5. Purchase and sale under hire-purchase

For the purposes of this Act, a person who takes possession of a firearm under a hire-purchase agreement is taken to have purchased it and the person who possessed it immediately before parting with possession is taken to have sold it.

6. Application of Act

(1) This Act does not apply to -

(a) a member of the Defence Force referred to in the Defence Act 1903 of the Commonwealth; or

(b) a police officer, other than a junior constable or trainee, possessing or using a firearm in accordance with subsection (2) while-

(i) acting in the ordinary course of the police officer's duties; or

(ii) stationed at a one-person police station; or

(iii) on call outside the police officer's rostered hours of work; or

(iv) attached to the group of police officers formed for the purpose of carrying out special operations in relation to high risk incidents; or

(c) a junior constable or trainee possessing or using a firearm in accordance with subsection (3) while acting in the ordinary course of the junior constable's or trainee's duties.

(2) A police officer, other than a junior constable or trainee, possessing or using a firearm under subsection (1)-

(a) must not consume any intoxicating liquor or be under the influence of alcohol or any other drug; and

(b) must not be present at any place where liquor is being consumed except in the ordinary course of the police officer's duties; and

(c) must keep the firearm at his or her residence outside work hours in accordance with the safekeeping and storage requirements under this Act; and

(d) must carry that firearm between that residence and place of duty by the most direct and practicable route.

(3) A junior constable or trainee possessing or using a firearm under subsection (1) -

(a) must not consume intoxicating liquor or be under the influence of alcohol or any other drug; and

(b) must not be present at any place where liquor is being consumed except in the ordinary course of the junior constable's or trainee's duties.

(4) In this section -

junior constable means a junior constable as defined in the

Police Service Act 2003;

trainee means a trainee as defined in the Police Service Act 2003.

7. Exemption to hold licence

(1) A person who is a member of the Naval Reserve Cadets, the Australian Cadet Corps or the Air Training Corps is not required to hold a licence that authorises the person to possess a firearm while the person possesses it -

(a) for the purposes of activities of the Cadets or the Corps of which the person is a member; and

(b) in accordance with any approved guidelines.

(2) A person who is a police officer of the Australian Federal Police or another State or Territory of the Commonwealth is not required to hold a licence to possess or use a firearm while acting in the ordinary course of the police officer's duties in Tasmania.

8. Act binds Crown

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

PART 2 - Licences

Division 1 - Possession, use, purchase and dealing

9. Possession or use of firearms

(1) A person must not possess or use a firearm unless the person is the holder of a firearms licence of the appropriate category as specified in Division 2 in respect of that firearm.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) A person is to apply for a firearms licence in accordance with Division 5 of this Part.

10. Acquiring firearms

(1) A person must not acquire a firearm unless the person is the holder of -

(a) a firearms licence of the category appropriate to that firearm; and

(b) a permit in respect of that firearm.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) A person is to apply for a permit in accordance with Division 1 of Part 3.

11. Dealing in firearms

(1) A person is guilty of an indictable offence punishable under the Criminal Code if the person deals in firearms without holding a firearms dealer licence.

(2) A person is to apply for a firearms dealer licence in accordance with Division 5.

(3) A person employed by a firearms dealer must not manually handle a firearm in the course of that employment unless the person holds -

(a) a firearms licence of the appropriate category as specified in Division 2 in respect of that firearm; or

(b) a firearms dealer employee licence.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(4) A person is to apply for a firearms dealer employee licence in accordance with Division 5.

12. Exhibition of firearms

(1) A person must not possess a firearm for show or exhibition unless the person is the holder of a firearms museum licence in respect of that firearm.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) A person is to apply for a firearms museum licence in accordance with Division 5.

13. Possession of heirloom firearms

(1) A person must not possess an heirloom firearm unless the person is the holder of a firearm heirlooms licence.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) A person is to apply for a firearm heirlooms licence in

accordance with Division 5.

13A. Possession of ex-military firearms and light ordnance

_ (1) _ A person must not possess an ex-military firearm or ex-military light ordnance unless the person is the holder of a militaria firearms licence.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

_ (2) _ However, a person does not commit an offence under subsection (1) in respect of an ex-military firearm if the person is authorised to possess the firearm under a firearm heirlooms licence, firearms museum licence or other kind of firearms licence.

_ (3) _ A person is to apply for a militaria firearms licence in accordance with Division 5.

_ Division 2 - Categories and authority of firearms licences _

14. Category A firearms licence

_ (1) _ A Category A firearms licence applies to any -

_ (a) _ air rifle; and

_ (b) _ rim-fire rifle, other than self-loading; and

_ (c) _ shotgun, other than pump action or self-loading; and

_ (d) _ shotgun and rim-fire rifle combinations.

_ (2) _ A Category A firearms licence authorises the holder to possess or use only a firearm referred to in subsection (1) for the particular purpose specified in the licence.

15. Category B firearms licence

_ (1) _ A Category B firearms licence applies to any -

_ (a) _ muzzle-loading firearm; and

_ (b) _ centre-fire rifle, other than self-loading; and

_ (c) _ shotgun and centre-fire rifle combinations.

_ (2) _ A Category B firearms licence authorises the holder to possess or use only a firearm referred to in subsection (1) for the particular purpose specified in the licence.

16. Category C firearms licence

_ (1) _ A Category C firearms licence applies to any -

(a) self-loading rim-fire rifle with a magazine capacity of no more than 10 rounds of ammunition; and

(b) self-loading shotgun with a magazine capacity of no more than 5 rounds of ammunition; and

(c) pump action shotgun with a magazine capacity of no more than 5 rounds of ammunition.

(2) A Category C firearms licence authorises the holder to possess or use only one firearm referred to in subsection (1)(a) and one firearm referred to in subsection (1)(b) or (c) specified in the licence for the particular purpose specified in the licence.

17. Category D firearms licence

(1) A Category D firearms licence applies to any -

(a) self-loading centre-fire rifle; and

(b) self-loading shotgun with a capacity of more than 5 rounds of ammunition; and

(c) pump action shotgun with a capacity of more than 5 rounds of ammunition; and

(d) self-loading rim-fire rifle with a magazine capacity of more than 10 rounds of ammunition.

(2) A Category D firearms licence authorises the holder to possess or use only a firearm referred to in subsection (1) that is specified in the licence for the particular purpose specified in the licence.

18. Category H firearms licence

(1) A Category H firearms licence for a purpose other than sport or target shooting applies to any-

(a) pistol; and

(b) air pistol.

(2) A Category H firearms licence for a purpose other than sport or target shooting authorises the holder to possess or use only a pistol referred to in subsection (1) for the particular purpose specified in the licence.

(3) A Category H firearms licence for sport or target shooting authorises the holder to possess or use any of the following:

(a) a pistol that does not exceed .38 inch calibre;

(b) a semi-automatic pistol that has a barrel length of 120 millimetres or more;

(c) a revolver that has a barrel length of 100 millimetres or

more;

(d) a single-shot pistol that has a barrel length of 100 millimetres or more;

(e) a pistol that has a magazine capacity of 10 rounds of ammunition or less.

(4) A Category H firearms licence for sport or target shooting authorises the holder, with the approval of the Commissioner, to possess or use a prohibited pistol for the purpose of training for, and participating in, a prescribed event where pistols that have a calibre not exceeding .45 inch may be used.

(5) A category H firearms licence for use in the security industry authorises the holder to possess -

(a) a registered pistol that -

(i) does not exceed .38 inch calibre or 9 millimetre calibre; and

(ii) is owned by, and has as its registrant, the holder's employer; and

(b) factory-manufactured or factory-loaded ammunition for a registered pistol of the kind referred to in paragraph (a).

Division 3 - Other licences

19. Firearms dealer licence

A firearms dealer licence authorises the holder to deal only in a firearm of a category specified in the licence at premises specified in the licence.

19A. Firearms dealer employee licence

A firearms dealer employee licence authorises the holder to handle manually, in the course of his or her employment with the holder of a firearms dealer licence and at the premises specified in the firearms dealer licence -

(a) firearms of a category specified in the firearms dealer licence; and

(b) ammunition for such firearms.

20. Firearms museum licence

A firearms museum licence authorises the holder to exhibit or show only a firearm of a category specified in the licence at premises specified in the licence.

21. Firearm heirlooms licence

A firearm heirlooms licence authorises the holder to possess a single heirloom firearm or a matched pair or set of heirloom firearms.

21A. Militaria firearms licence

A militaria firearms licence authorises the holder to possess and display ex-military firearms and ex-military light ordnance.

Division 4 - General matters

22. Additional authority relating to possession

A licence that authorises the holder to possess a firearm also authorises the holder to possess it while -

_ (a) _ taking it to a licensed firearms dealer for the purpose of maintenance or repair and subsequently recovering it from the dealer; or

_ (b) _ taking it to a licensed firearms 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) _ conveying it from one place to another for the purpose of using it; or

_ (e) _ taking it for the purpose of surrendering it.

23. Additional authority relating to use

_ (1) _ A licence issued for the genuine reason of recreational hunting or vermin control authorises the holder to use a firearm on land not specified in the application for that licence if the holder provides the Commissioner, if required to do so, with a document from the owner or occupier of that land giving permission to shoot on that land.

_ (2) _ If a document is given by an owner or occupier of land under subsection (1), the holder of a licence must provide the Commissioner with that document within 7 days after being required to do so.

Penalty:

Fine not exceeding 20 penalty units.

24. Purchase by unlicensed firearms dealer

A person who is not a licensed firearms dealer must not purchase a firearm from any person who is not a licensed firearms dealer.

Penalty:

Fine not exceeding 50 penalty units.

25. Purchase and sale

_ (1) _ A licensed firearms dealer must not purchase, acquire or

take possession of a firearm from another person who is not a licensed firearms dealer unless that other person -

(a) is authorised by a licence to possess the firearm and the firearms dealer has seen the licence; or

(b) is the holder of a corresponding firearms dealer licence.

Penalty:

Fine not exceeding 100 penalty units.

(2) A licensed firearms dealer must not sell any firearm to any person unless that other person -

(a) is authorised by a permit to acquire the firearm; and

(b) the dealer has seen the permit.

Penalty:

Fine not exceeding 100 penalty units.

(3) The holder of a licence may sell a firearm to, or purchase a firearm from, another holder of a licence through the agency of a licensed firearms dealer.

(4) A licensed firearms dealer who acts as an agent under subsection (3) may only charge the prescribed fee for so acting.

26. Possession and use of firearm under licence

(1) The holder of a licence must not possess or use a firearm

(a) if any purpose is specified in the licence, for any purpose that is not so specified; or

(b) if any premises are specified in the licence, at any premises that are not so specified.

Penalty:

In the case of -

(a) the holder of a firearms dealer licence, a fine not exceeding 100 penalty units; or

(b) the holder of any other licence, a fine not exceeding 50 penalty units.

(2) However, it is not an offence under subsection (1) for the holder of an active non-sporting firearms licence to possess and use a firearm specified in the licence at an approved range if -

(a) the firearm is used only for orientation purposes; and

(b) the holder of the licence has the permission of the club or person in charge of the range; and

(c) the person has not used that firearm, for orientation purposes, at any range on more than 3 occasions in the 6-month period immediately preceding the day on which the person is attending the range.

(3) In this section -

active non-sporting firearms licence means a firearms licence that -

(a) authorises its holder to use a firearm; and

(b) does not specify, as a purpose for which that firearm may be used, range shooting, sport shooting or target shooting;

orientation purposes, in relation to a firearm, means any or any combination of the following:

(a) sighting the firearm;

(b) testing the firearm or its components or ammunition;

(c) acquiring familiarity with the firearm;

(d) acquiring greater proficiency in the use of the firearm;

range includes shooting gallery.

27. Information relating to safety

The Commissioner is to ensure that an applicant for a licence is provided with information about -

(a) the approved firearms safety course required to be completed by the applicant; and

(b) the requirements under this Act relating to storage and safety of firearms.

Division 5 - Applications

28. Applications for licences

(1) An applicant for a licence must be -

(a) at least 18 years of age; and

(b) a natural person.

(2) An application for a licence is to -

(a) be in an approved form; and

(b) contain proof of the applicant's identity in accordance with

the requirements under the Financial Transactions Reports Act 1988 of the Commonwealth that apply in respect of the opening of a bank account; and

(c) contain proof of age; and

(ca) contain an authorisation from the applicant to the Commissioner to release any information that the Commissioner considers necessary in relation to the applicant to a person holding an official position in an approved pistol shooting club or in an approved society, the members of which collect firearms, and to a person holding an official position in an approved pistol shooting club or in an approved society, the members of which collect firearms, to release any information that the person considers necessary in relation to the applicant to the Commissioner; and

(cb) in the case of an application for a firearms dealer licence, contain the name and address of each person who is a close associate of the applicant and particulars of the nature of that close association; and

(d) contain any prescribed particulars; and

(e) be accompanied by the prescribed fee; and

(f) be lodged with the Commissioner.

29. General restrictions on granting licence

(1) The Commissioner must not grant an application for a licence unless the Commissioner is satisfied that the applicant -

(a) is at least 18 years of age; and

(b) is a natural person; and

(c) is a fit and proper person; and

(d) has satisfactorily completed an approved firearms safety course; and

(e) is able to meet the storage and safety requirements specified in Part 5.

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

(a) any likelihood of the person using a firearm -

(i) for an unlawful purpose; or

(ii) to harm himself or herself;

(b) the mental and physical condition of the person;

(c) any criminal activity of the person, whether in Tasmania or

elsewhere;

(d) any offence committed by the person under this Act or under the Guns Act 1991;

(e) the ability of the person to exercise reasonable and responsible control over a firearm;

(f) whether the person is subject to a restraint order, interim restraint order, family violence order, interim family violence order or police family violence order or has, at any time in the 5-year period immediately before lodging the application, been subject to such an order;

(g) whether the person is subject to a recognisance, granted in Tasmania or elsewhere, to keep the peace.

(3) The Commissioner must not grant an application for a licence to a person who -

(a) within the period of 5 years before the application was made, has been convicted in Tasmania or elsewhere of any crime involving violence to another person, whether or not the crime is a crime under a law of Tasmania; or

(b) has at any time been sentenced to a term of imprisonment, whether in Tasmania 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; or

(c) has been convicted of an offence under Division 1 of Part 3 of the Guns Act 1991 or under section 114 of this Act or a crime under section 183 of the Criminal Code; or

(d) is subject to a firearms prohibition order, or one or more of the following in relation to personal injury:

(i) a restraint order;

(ii) an interim restraint order;

(iii) a family violence order;

(iv) an interim family violence order;

(v) a police family violence order; or

(e) in the Commissioner's opinion, having regard to any criminal intelligence report or other criminal information held in relation to the person, is a risk to public safety.

(3A) If an application for a licence is being determined by a delegate of the Commissioner, the opinion referred to in subsection (3) (e) must be that of the Commissioner and not the delegate.

(4) The Commissioner must not grant an application for a licence if the Commissioner has reasonable cause to believe that a person who is not a fit and proper person is likely to gain possession of any firearm in the possession of the applicant.

(5) The Commissioner must not grant an application for a licence authorising the possession or use of a firearm unless -

(a) the Commissioner is satisfied that the applicant has a genuine reason for possessing or using the firearm; and

(b) the applicant produces evidence to the Commissioner's satisfaction in relation to the requirements specified in Division 6 of this Part in respect of that reason.

(6) Notwithstanding subsection (5), an applicant for a firearm heirlooms licence is not required to establish or provide a genuine reason in applying for the licence.

29A. Restriction on granting firearms dealer licence

(1) The Commissioner must not grant an application for a firearms dealer licence unless the Commissioner is satisfied that -

(a) the applicant will have primary responsibility for the management of the business proposed to be carried on under the licence; and

(b) the applicant's close associates, if any, are fit and proper persons to be close associates of a firearms dealer.

(2) In deciding whether a person is a fit and proper person to be a close associate of a firearms dealer, the Commissioner may, as regards that person, take into account any of the matters that are to be taken into account under section 29(2) in respect of an applicant for a licence.

30. Restrictions on granting Category B firearms licence

The Commissioner must not grant an application for a Category B firearms licence to any person unless the person, in addition to establishing a genuine reason for holding the licence, produces evidence to the Commissioner's satisfaction that there is a need for the person to possess or use a firearm of the category to which the application relates.

31. Restrictions on granting Category C firearms licence

(1) The Commissioner must not grant an application for a Category C firearms licence to any person unless the person establishes and provides evidence that the genuine reason for holding the licence is primary production or firearms collection and, if the genuine reason for holding the licence is primary production -

(a) produces evidence to the Commissioner's satisfaction that there is a need for the person to possess or use a firearm of the

category to which the application relates; and

(b) produces evidence to the Commissioner's satisfaction that the need is not met -

(i) by the authority conferred by a Category A firearms licence or a Category B firearms licence; or

(ii) by any other means.

(2) Any licence granted by the Commissioner authorising a person to possess or use a firearm referred to in section 16(1), if the genuine reason for holding the licence is firearms collection, is subject to the conditions specified in section 47.

32. Restrictions on granting Category D firearms licence

(1) The Commissioner must not grant an application for a Category D firearms licence to any person unless the person -

(a) establishes and provides evidence that the genuine reason for holding the licence is animal population control or firearms collection; and

(b) if the genuine reason for holding the licence is animal population control, produces evidence to the Commissioner's satisfaction that there is a need for the person to possess or use a firearm of the category to which the application relates.

(2) Any licence granted by the Commissioner authorising a person to possess or use a firearm referred to in section 17(1), if the genuine reason for holding the licence is firearms collection, is subject to the conditions referred to in section 47.

33. Restrictions on granting Category H firearms licence

(1) The Commissioner must not grant an application for a Category H firearms licence unless the Commissioner is satisfied that -

(a) the applicant has one of the following genuine reasons for applying for the licence:

(i) sport or target shooting;

(ii) business or employment;

(iii) firearms collection;

(iv) security industry work; and

(b) the person needs to possess or use a firearm of the category to which the application relates in connection with that genuine reason.

(2) In this section -

security industry work does not include the close personal protection of other persons.

34. Restriction on granting firearm heirlooms licence

The Commissioner must not grant an application for a firearm heirlooms licence to any person unless the person provides the Commissioner with sufficient proof of inheritance of the heirloom firearm.

35. Granting licence

Subject to this Division, the Commissioner may grant an application for a licence -

_ (a) _ subject to -

_ (i) _ the conditions specified in section 46 or 47; and

_ (ii) _ any other condition the Commissioner considers appropriate;
and

_ (b) _ only after the end of 28 days following the day on which the application is lodged.

36. Refusal to grant licence

_ (1) _ The Commissioner may refuse to grant an application for a licence if satisfied that to grant it would be contrary to the public interest.

_ (2) _ The Commissioner must notify the applicant of the refusal to grant an application for a licence by notice in writing stating the reasons for the refusal.

Division 6 - Genuine reasons and requirements

37. Genuine reasons

_ (1) _ A genuine reason to possess or use a firearm is any of the following:

_ (a) _ sport or target shooting;

_ (b) _ recreational hunting or vermin control;

_ (c) _ primary production;

_ (d) _ animal population control;

_ (e) _ animal welfare;

_ (f) _ business or employment as a firearms dealer, security agent or security guard;

_ (g) _ firearms collection;

_ (h) _ show or exhibition.

(2) A person does not have a genuine reason for possessing or using a firearm if the person intends to possess or use the firearm 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.

38. Requirements relating to sport or target shooting

An applicant whose genuine reason for possessing or using a firearm is sport or target shooting must be a current member of an approved shooting organisation that conducts competitions or activities involving the use of that firearm.

39. Requirements relating to recreational hunting or vermin control

An applicant whose genuine reason for possessing or using a firearm is recreational hunting or vermin control must produce a document giving permission to shoot a type of animal or vermin specified in the document on land specified in the document from -

(a) the owner or occupier of the land; or

(b) the Director-General of Lands; or

(c) the Director of National Parks and Wildlife; or

(d) the chief executive officer of the Forestry corporation established under section 6 of the Forestry Act 1920.

40. Requirements relating to primary production

An applicant whose genuine reason for possessing or using a firearm is primary production must, in the case of an application for a Category C firearms licence -

(a) be a person who is a primary producer or who is employed or engaged in the business of primary production; and

(b) produce evidence to the Commissioner's satisfaction that he or she intends to use the firearm solely in connection with -

(i) the suppression of vertebrate pest animals on the land; and

(ii) the destruction of animals to avoid pain and suffering.

41. Requirements relating to animal population control

An applicant whose genuine reason for possessing or using a firearm is animal population control must be -

(a) a professional shooter whose principal or only occupation is

the business of controlling vertebrate pest animals; or

(b) a person employed by or in, or authorised by, a prescribed government agency that has functions relating to vertebrate pest animals.

42. Requirements relating to animal welfare

An applicant whose genuine reason for possessing or using a firearm is animal welfare must be -

(a) an officer of the Royal Society for the Prevention of Cruelty to Animals established in Tasmania; or

(b) a veterinary surgeon registered under the Veterinary Surgeons Act 1987; or

(c) an inspector under the Animal Health Act 1995; or

(d) an inspector or officer under the Animal Welfare Act 1993;
or

(e) an authorised person under the Dog Control Act 2000; or

(f) an authorised officer under the Nature Conservation Act 2002; or

(g) a primary producer; or

(h) a prescribed person.

43. Requirements relating to business or employment

An applicant whose genuine reason for possessing or using a firearm is business or employment must produce evidence to the Commissioner's satisfaction that it is necessary in the conduct of the applicant's business or employment to possess or use that firearm.

44. Requirements relating to firearms collection

(1) An applicant whose genuine reason for possessing a firearm is firearms collection must -

(a) be a bona fide firearms collector; and

(b) be a member of an approved society, the members of which collect firearms of the category to which the application relates.

(2) In determining whether a firearms collector is a bona fide collector for the purposes of subsection (1)(a), the Commissioner must be satisfied that the collection will be of significant commemorative, historical, thematic or investment value.

Division 7 - General provisions relating to licences

45. Form of licence

A licence is to -

- _ (a) _ be in an approved form; and
- _ (b) _ specify the name and date of birth of the licensee; and
- _ (c) _ contain a recent photograph of the person to whom it is issued obtained in accordance with approved arrangements; and
- _ (d) _ specify the date of its issue; and
- _ (e) _ specify the category of firearm to which the licence relates; and
- _ (f) _ specify the purpose for which the licensee is authorised to possess or use the firearm to which the licence relates; and
- _ (g) _ contain a statement that the licensee must comply with the requirements under this Act relating to the storage and safekeeping of the firearm; and
- _ (h) _ contain any other prescribed matter.

46. General conditions of licence

A licence is subject to the following conditions:

- _ (a) _ the licensee must possess or use a firearm only -
 - _ (i) _ of the category to which the licence relates; and
 - _ (ii) _ for the particular purpose, and at any premises, specified in the licence;
- _ (b) _ the licensee must comply with the safekeeping and storage requirements under this Act;
- _ (c) _ the licensee must ensure that the firearm is safe to use;
- _ (d) _ the licensee must not allow any other person to possess or use a firearm in the licensee's possession if that other person is not authorised to possess or use the firearm;
- _ (e) _ the licensee must permit a police officer to inspect at any reasonable time the licensee's arrangements for the storage and safekeeping of the firearms in the licensee's possession;
- _ (f) _ the licensee must not possess, at any time, any amount of ammunition that exceeds the prescribed amount without the written authorisation of the Commissioner.

47. Special conditions of certain licence

_ (1) _ Any licence that authorises the holder to possess firearms for the purpose of a firearms collection is subject to the following conditions:

(a) any firearm in the collection that has been manufactured after 1 January 1900, other than a firearm referred to in section 17(1), must be rendered temporarily incapable of being fired by -

(i) the removal and storage of the bolt or firing pin or both the bolt and firing pin in a locked container of an approved type that is kept separate from the firearm; or

(ii) the application to the firearm of an approved trigger lock;

(b) any firearm referred to in section 17(1) in the collection must, in the prescribed manner, be rendered permanently incapable of being fired;

(c) the holder must not possess any ammunition for any firearm in the collection unless it is stored in the prescribed manner;

(d) the holder must not restore any firearm in the collection to a state in which the firearm can readily be fired;

(e) the holder must not discharge a firearm which forms part of the collection;

(f) a collection of firearms must only contain firearms manufactured before a prescribed date.

(2) A firearm heirlooms licence is subject to the condition that the heirloom firearm must, in the prescribed manner, be rendered permanently incapable of being fired.

(3) A Category H firearms licence for sport or target shooting is subject to the following conditions:

(a) the holder must not possess or use a prohibited pistol without the approval of the Commissioner;

(b) the holder must comply with minimum annual participation rates relating to sport or target shooting as specified in the conditions of the licence and provide evidence to the Commissioner of his or her compliance with those annual participation rates unless exempted from doing so by the Commissioner.

(4) The Commissioner may, by notice in writing given to the holder of a Category H firearms licence for sport or target shooting in existence immediately before 1 July 2003, amend any conditions specified in that licence to give effect to the amendments made to this Act by the Firearms Amendment Act 2003.

48. Compliance with conditions of licence

The holder of a licence must comply with the conditions of the licence.

Penalty:

Fine not exceeding 50 penalty units.

49. Period of licence

A licence, unless it is sooner cancelled, surrendered or otherwise ceases to be in force, is in force from the date of its issue -

- (a) for a period of 5 years; or
- (b) if a shorter period is prescribed, for that period.

50. Licence not transferable

- (1) A licence is not transferable.
- (2) A person must not transfer or attempt to transfer a licence.

Penalty:

Fine not exceeding 50 penalty units.

51. Cancellation of licence

(1) A licence that authorises the holder to possess or use a firearm is automatically cancelled if the holder becomes subject to any firearms prohibition order or a restraint order relating to personal injury or a family violence order.

(2) 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 which, to his or her knowledge, was false or misleading in connection with the application for the licence; 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)
- (e) if the holder fails to comply with any condition of the licence; or
- (f) if the Commissioner is satisfied that the holder is no longer-
- (i) a fit and proper person to hold the licence; or
- (ii) qualified to hold the licence; or
- (g) for any other prescribed reason.

(3) The Commissioner must cancel or suspend a licence if the holder is subject to any restraint order, other than a restraint order referred to in subsection (1), or interim restraint order.

(3A) In deciding, under subsection (2), whether a person is a fit and proper person in any respect, the Commissioner may, as regards that person, take into account any of the matters that are to be taken into account under section 29(2) in respect of an applicant for a licence.

(4) If the Commissioner cancels or suspends a licence under subsection (3), the Commissioner must, where possible, cause to be seized any firearm in the possession of the holder of the licence.

(5) The Commissioner must cancel a licence if the Commissioner considers that the loss or theft of a firearm was due to the negligence or fraud of the holder of the licence.

(6) The Commissioner may, on the written application of the person who held a licence cancelled or suspended under subsection (3), reinstate the licence or return any firearms, or both reinstate the licence and return any firearms, which have been seized in accordance with subsection (4) and which the Commissioner considers appropriate, to the holder of the licence or such other person, with the agreement of the applicant, who is the holder of a licence.

(7) In determining whether to reinstate a licence or return any firearms or both reinstate a licence and return any firearms, the Commissioner may consider -

(a) the facts and evidence made out in the application for the restraint order referred in subsection (3); and

(b) the order made by the court in issuing the restraint order or interim restraint order or family violence order or police family violence order; and

(c) such other matters that the Commissioner determines to be relevant.

52. Notice of cancellation

(1) The Commissioner is to cancel a licence by serving on the holder of the licence a notice stating -

(a) that the licence is cancelled; and

(b) the reason for cancelling it.

(2) Subject to subsection (3), cancellation of a licence takes effect -

(a) on the date on which the notice is served; or

(b) on a later date specified in the notice, whether or not an application for a review of the cancellation is made.

(3) The cancellation of a firearms dealer licence takes effect -

(a) if an application for a review is not made-

(i) on the date on which the notice is served; or

(ii) on a later date specified in the notice; or

(b) if an application for a review is made and the Magistrates Court (Administrative Appeals Division) affirms the decision under review, on the date of that determination.

(4) The Commissioner may revoke a notice of cancellation of a licence by serving a further notice on the holder of the licence before that notice takes effect.

53. Suspension of licence

(1) The Commissioner, if satisfied that there may be grounds for cancelling a licence or if the holder of a licence becomes subject to an interim restraint order, interim family violence order or police family violence order, may suspend the licence by serving on the holder of the licence a notice-

(a) stating that the licence is suspended and the reasons for suspending it; and

(b) requesting that the holder provide the Commissioner with any reason why the licence should not be cancelled.

(2) Unless sooner revoked by the Commissioner, the suspension of the licence has effect -

(a) if the suspension is imposed consequent on an interim restraint order or interim family violence order, for the duration of that order or such lesser period as a court may determine; or

(b) in any other case, for such period not exceeding 6 months as the Commissioner specifies in the notice under subsection (1).

(3) During the suspension of the licence, the holder of the licence is not authorised to possess or use any firearm specified in the licence.

54. Surrender of licence and firearm

(1) A person, by notice in writing to the Commissioner, may surrender a licence held by that person.

(2) A licence surrendered under subsection (1) ceases to have effect -

(a) on the date specified in the notice; or

(b) if a date is not specified, on the date of receipt of the notice.

(3) A person who surrendered a licence must immediately surrender any firearm to which the licence relates.

(4) If a licence is suspended or cancelled, the person to whom it was issued must immediately surrender -

(a) any firearm in the person's possession; and

(b) the licence.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(5) A police officer may seize any firearm in the possession of a person whose licence is surrendered, suspended or cancelled.

(6) In this section -

firearm includes a weapon of the kind referred to in paragraph (a) of the definition of light ordnance in section 3.

55. Licence not required in certain circumstances

A person who is a resident of another State or a Territory is not required to hold a Category A firearms licence, a Category B firearms licence or a Category H firearms licence -

(a) if the person is the holder of a corresponding licence; and

(b) for the purpose of participating in an approved shooting competition or for any other approved purpose.

56. Corresponding licence

(1) If a person resident in another State or a Territory notifies the Commissioner by notice in writing that he or she intends to reside in this State, any corresponding Category A firearms licence or corresponding Category B firearms licence held by the person is taken to be such a licence under this Act for a period of 3 months from the date of the notice.

(2) If a person resident in another State or Territory notifies the Commissioner by notice in writing that he or she intends to reside in this State, any corresponding Category C firearms licence, corresponding Category D firearms licence or corresponding Category H firearms licence held by the person is taken to be such a licence under this Act for a period of 7 days from the date of the notice.

(3) If, before the 7 day period referred to in subsection (2) expires, a person referred to in that subsection applies for a licence, that person is not guilty of an offence under section 9 during any period the application is being determined.

(4) A person must not possess or use a firearm under the purported authority of a corresponding licence without notifying the Commissioner under this section.

Penalty:

Fine not exceeding 50 penalty units.

57. Change in particulars of licence

The holder of a licence must notify the Commissioner of any change in any particulars specified in the licence within 14 days after the change occurs.

Penalty:

Fine not exceeding 50 penalty units.

PART 3 - Permits

Division 1 - Permits to acquire firearms

58. Application for permit to acquire firearm

(1) The holder of a licence may apply to the Commissioner for a permit to acquire a firearm of the category to which the licence relates.

(2) A separate permit is required for each firearm to be acquired.

58A. Application for permit to acquire prohibited pistol for prescribed event

(1) The holder of a Category H firearms licence for sport or target shooting may apply to the Commissioner for a permit to acquire a prohibited pistol for the purpose of training for, and participating in, a prescribed event.

(2) A separate permit is required for each pistol referred to in subsection (1).

59. Application for permit

An application for a permit is to -

- (a) be in an approved form; and
- (b) contain any prescribed particulars; and
- (c) be accompanied by the prescribed fee; and
- (d) be lodged with the Commissioner.

60. General restrictions on granting permits

(1) The Commissioner must not grant an application for a permit unless the Commissioner is satisfied that the applicant is a fit and proper person.

(2) In deciding whether the applicant is a fit and proper person, the Commissioner may, as regards the applicant, take into account any of the matters that are to be taken into account under section 29(2) in respect of an applicant for a licence.

(3) The Commissioner must not grant an application for a permit to a person who would not be granted a licence for any reason specified in section 29(3) and (4).

(4) The Commissioner must not grant an application for a permit to acquire a firearm unless the Commissioner -

(a) is satisfied that the applicant is the holder of a licence authorising the applicant to possess or use the firearm; and

(b) is satisfied that there is a sufficient reason and need for the applicant to acquire the firearm; and

(c) in the case of an applicant who is the holder of a Category H firearms licence for sport or target shooting, is satisfied that the applicant has held that licence, and has been a member of an approved pistol shooting club, for a period of at least 6 months.

61. Granting permit

The Commissioner may grant an application for a permit -

(a) subject to any condition the Commissioner considers appropriate; and

(b) only after the end of 28 days following the day on which the application is lodged; and

(c) in the case of an application from the holder of a Category H firearms licence for sport or target shooting, to acquire not more than 2 pistols of different categories from the following categories of pistols if the Commissioner is satisfied that the applicant has held the Category H firearms licence for sport or target shooting, and has been a member of an approved pistol shooting club, for a period of at least 6 months:

(i) one .22 inch calibre pistol;

(ii) one .177 inch calibre air pistol;

(iii) one centre-fire pistol;

(iv) one black-powder muzzle loader; and

(d) in the case of an application from the holder of a Category H firearms licence for sport or target shooting, to acquire a pistol referred to in section 18(3) if the Commissioner is satisfied that the applicant has held the Category H firearms licence for sport or target shooting, and has been a member of an approved pistol shooting club, for a period of at least 12 months.

62. Refusal to grant permit

(1) The Commissioner may refuse to grant an application for a permit if satisfied that the granting would be contrary to the public interest.

(2) The Commissioner must notify the applicant of the refusal to grant an application for a permit by notice in writing stating the reasons for the refusal.

63. Form of permit

A permit is to -

- _(a)_ be in an approved form; and
- _(b)_ specify the type of firearm to which the permit relates; and
- _(c)_ specify any condition to which it is subject; and
- _(d)_ contain any other prescribed matter.

64. Compliance with conditions of permit

The holder of a permit must comply with any condition of the permit.

Penalty:

Fine not exceeding 50 penalty units.

65. Period of permit

A permit is in force from the date of its issue until whichever of the following occurs first:

- _(a)_ the end of a period of 90 days from the date of its issue;
- _(b)_ the date on which the firearm to which it relates is acquired.

66. Cancellation or suspension of permit

(1) The Commissioner may cancel a permit for any reason specified in section 51.

(2) The Commissioner, if satisfied that there may be grounds for cancelling a permit, may suspend the permit for the period specified in the notice.

(3) The Commissioner is to cancel or suspend a permit by serving on the holder of the permit a notice stating -

- _(a)_ that the permit is cancelled or suspended; and
- _(b)_ the reasons for cancelling or suspending it.

(4) The cancellation or suspension of a permit takes effect on the date on which it is served.

67. Surrender of permit

(1) A person, by notice in writing to the Commissioner, may surrender a permit held by that person.

(2) A permit surrendered under subsection (1) ceases to have effect -

(a) on the date specified in the notice; or

(b) if a date is not specified, on the date of receipt of the notice.

(3) If a permit is suspended or cancelled, the person to whom it was issued must surrender the permit.

Penalty:

Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 2 years, or both.

Division 2 - Minor's permit

68. Application for minor's permit

(1) A person under the age of 18 years must not possess or use a firearm unless the person is the holder of a minor's permit.

Penalty:

Fine not exceeding 5 penalty units.

(2) A person may apply to the Commissioner for a minor's permit if the person is at least 12 years and under 18 years of age.

(3) An application is to -

(a) be in an approved form; and

(b) be accompanied by the written permission of a parent or guardian of the applicant to the issue of the minor's permit.

69. Granting minor's permit

The Commissioner may -

(a) if satisfied that the parent or guardian of an applicant has given permission, grant an application for a minor's permit subject to any condition the Commissioner considers appropriate; or

(b) refuse to grant the application -

(i) if satisfied that the applicant is not a fit and proper person, taking into account the matters specified in section 29(2); or

(ii) on any ground the Commissioner must not grant a licence under section 29(3) and (4).

70. Authority of minor's permit

(1) A minor's permit granted to a person of 16 years and under 18 years of age authorises the holder to possess or use a firearm of a category specified in the permit only -

(a) under the supervision of -

(i) the holder of a licence; or

(ii) a person approved to supervise the use by minors of firearms to which the permit relates; and

(b) for the purpose of -

(i) receiving instruction in the safe use of the firearm; or

(ii) target shooting on an approved range.

(2) A minor's permit granted to a person of 12 years and under 16 years of age authorises the holder to possess or use a firearm of a category specified in the permit only -

(a) under the supervision of -

(i) the holder of a licence; or

(ii) a person approved to supervise the use by minors of firearms to which the permit relates; and

(b) for the purpose of -

(i) receiving on an approved range instruction in the safe use of the firearm; or

(ii) target shooting on an approved range.

71. Form of minor's permit

A minor's permit is to -

(a) be in an approved form; and

(b) specify the category of firearm to which the permit relates; and

(c) specify any condition to which it is subject; and

(d) contain any other prescribed matter.

72. Cancellation of minor's permit

(1) The Commissioner may cancel a minor's permit for any reason the Commissioner considers appropriate.

(2) The Commissioner is to cancel a minor's permit by serving on the holder of the permit a notice stating -

(a) that the permit is cancelled; and

(b) the reasons for cancelling it.

(3) The cancellation of a permit takes effect on the date on which it is served.

73. Period of minor's permit

A minor's permit, unless it is sooner cancelled, is in force until the date on which the holder attains the age of 18 years.

PART 4 - Registration of Firearms

Division 1 - Registration procedure

74. Unregistered firearms

(1) A person must not sell, acquire, possess or use a firearm that is not registered.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) Subsection (1) does not apply to -

(a) an imitation firearm; or

(b) a firearm imported and acquired by a licensed firearms dealer so long as the firearm is registered within 7 days of the dealer receiving it.

75. Application for registration

(1) An application for the registration of a firearm is to -

(a) be in an approved form; and

(b) be accompanied by the prescribed fee; and

(c) be lodged with the Commissioner.

(2) An applicant for the registration of a firearm must make the firearm available for inspection.

76. Restriction on registration

The Commissioner must not register a firearm unless the applicant is the holder of a licence in respect of -

(a) in the case of a firearms dealer licence, any category of

firearm to which the licence relates; or

(b) in any other case, that firearm.

77. Refusal to register

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

78. Certificate of registration

(1) If the Commissioner registers a firearm, the Commissioner is to issue a certificate of registration to the registrant.

(2) The certificate of registration is to -

(a) be in an approved form; and

(b) specify the name of the registrant.

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

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

79. Cancellation of registration

(1) The Commissioner may cancel the registration of a firearm if the registrant -

(a) is no longer the holder of a licence in respect of that 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 a prescribed offence; or

(d) requests the cancellation.

(2) The Commissioner is to cancel the registration of a firearm by notice in writing served on the registrant.

(3) Cancellation of the registration of a firearm takes effect on the date on which the notice is served under subsection (2).

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

(5) A police officer may seize any firearm to which a cancelled registration relates.

80. Sale, loss or theft of firearm

_ (1) _ If a registrant sells the registered firearm, the registrant must notify the Commissioner with particulars within 7 days after that sale.

Penalty:

Fine not exceeding 50 penalty units.

_ (2) _ If a registered firearm or certificate of registration is lost or stolen, the registrant is to notify the Commissioner as soon as practicable but not later than 7 days after becoming aware of that fact with particulars of that loss or theft.

Penalty:

Fine not exceeding 50 penalty units.

81. Acquiring firearms

A person who is not a licensed firearms dealer and who acquires a firearm from another person must notify the Commissioner in the approved form within 7 days after acquiring it.

Penalty:

Fine not exceeding 50 penalty units.

Division 3 - Miscellaneous matters

82. Inspection of registered firearm

A registrant must produce a firearm specified in a certificate of registration for inspection at any reasonable time when requested to do so.

Penalty:

Fine not exceeding 20 penalty units.

83. Register of firearms

_ (1) _ The Commissioner is to compile and maintain a register of firearms registered under this Part.

_ (2) _ The register is to contain -

_ (a) _ sufficient particulars of the firearm to identify the firearm; and

_ (b) _ the name and address of the registrant; and

_ (c) _ particulars of the licence and permit the registrant holds; and

(d) any other prescribed information.

(3) The register is to be in a form that -

(a) enables it to be linked to the National Exchange of Police Information Scheme; and

(b) enables approved authorities in another State or Territory to access the information contained in it.

PART 5 - Safekeeping of Firearms

84. General requirements

(1) A person in possession of a firearm must take all reasonable precautions to ensure that the firearm is kept safely.

(2) A person in possession of a firearm must take all reasonable precautions to ensure that the firearm is not stolen or lost.

(3) A person in possession of a firearm must take all reasonable precautions to ensure that the firearm does not come into the possession of a person who is not authorised to possess it.

Penalty:

In the case of -

(a) a prohibited firearm, a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both; or

(b) any other firearm, a fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

85. Category A and B firearms licence requirements

(1) The holder of a Category A firearms licence or Category B firearms licence must comply with the following requirements in respect of the storage of any firearm to which the licence applies:

(a) if the firearm is not being used, it must be stored in a locked receptacle of an approved type that is -

(i) constructed of hard wood, metal, concrete or any other approved material; and

(ii) not easily penetrable;

(b) a receptacle that weighs less than 150 kg when empty must be fixed to a wall or floor in a manner that prevents easy removal;

(c) the locks of a receptacle must be -

(i) of solid metal; and

(ii) of an approved type;

(d) any ammunition for the firearm must be stored in a locked container of an approved type that is kept separate from the receptacle containing the firearm;

(e) any other prescribed requirement relating to security and safe storage.

Penalty:

Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

(2) Subsection (1) does not apply to a licensee if the licensee satisfies the Commissioner that the licensee has provided alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements specified in this section.

86. Category C, D and H firearms licence requirements

(1) The holder of a Category C firearms licence, Category D firearms licence or Category H firearms licence must comply with the following requirements in respect of the storage of any firearm to which the licence applies:

(a) if the firearm is not being used, it must be stored in a locked receptacle of an approved type made of metal, concrete or any other approved material that is not easily penetrated;

(b) the receptacle must be bolted to a wall or floor;

(c) any ammunition for the firearm must be stored in a locked container of an approved type that is kept separate from the receptacle containing the firearm;

(d) any other prescribed requirement relating to security and safe storage.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) Subsection (1) does not apply to a licensee if the licensee satisfies the Commissioner that the licensee has provided alternative arrangements for the storage of firearms in the licensee's possession that are of a standard not less than the requirements specified in this section.

87. Firearms dealer and museum licences requirement

The holder of a firearms dealer licence or a firearms museum licence must comply with the following requirements in respect of the premises specified in the licence and the place of storage for firearms in those premises:

(a) the premises are to be in a structurally sound condition;

(b) the doors giving access to the premises and their locks, bolts, hinges and other fastenings are to be strong, stout and in good condition;

(c) any windows, skylights or other covers of openings giving access to the premises are to be in good condition and their locks, bolts, hinges and other fastenings are to be strong, stout and in good condition;

(d) all doors and windows, skylights and other covers are to be capable of being secured against unlawful entry;

(e) all reasonable steps are to be taken to secure the premises and the place of storage from unlawful entry;

(f) the premises and place of storage are to 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;

(g) the anti-intrusion alarm is to be activated at any time the premises are unoccupied;

(h) in the case of the holder of a firearms dealer licence, if the premises or place of storage are premises or a place to which the public have access, all firearms at those premises or that place that are not in the physical possession of the holder or any employee of the holder, or that are not being displayed to a customer under the immediate continuous personal supervision of the holder or the employee, are to 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;

(i) if any firearm has been dismantled or rendered temporarily incapable of discharging a shot, bullet or missile by the removal of a part of the firing mechanism, that part is to be stored on the premises in a locked receptacle of an approved type that is kept separate from any receptacle containing the firearm.

87A. Militaria firearms licence requirements

(1) The holder of a militaria firearms licence must comply with the following requirements in respect of the safekeeping, on premises, of any firearm to which the licence applies:

(a) the premises are to be in a structurally sound condition;

(b) all doors and windows, skylights and other covers on the premises are to be capable of being secured against unlawful entry;

(c) all reasonable steps are to be taken to secure the premises from unlawful entry;

(d) the firearm is to have been rendered incapable of discharging ammunition, either permanently or temporarily;

(e) the ammunition, if any, is to have been rendered permanently inert;

(f) when on display, the firearms are to be secured to a wall or secure free-standing rack, or placed in a secure display case;

(g) any prescribed safekeeping requirement.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) Subsection (1) does not apply to a licensee if the licensee satisfies the Commissioner that the licensee has provided alternative arrangements for the safekeeping of firearms in the licensee's possession that are of a standard not less than the requirements specified in this section.

(3) In this section -

ammunition includes a projectile falling within paragraph (b) of the definition of light ordnance in section 3;

firearm includes a weapon falling within paragraph (a) of the definition of light ordnance in section 3.

88. Seizure of firearms if storage requirements not met

A police officer may seize any firearm, ammunition or light ordnance that the police officer has reasonable grounds to believe is not being kept in accordance with this Part.

PART 6 - Firearm Dealers

Division 1 - Records and returns

89. Record of dealings

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

Penalty:

Fine not exceeding 50 penalty units.

(2) A dealings record is to contain the following particulars:

(a) the name and address of any other person involved in the dealing;

(b) the number of the other person's licence or permit authorising the person to possess the firearm or firearm part;

(c) the number of the other person's permit to acquire the firearm;

(d) for any firearm or firearm part in the possession of the firearms dealer -

(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;

(e) the type, description and quantity of any ammunition;

(f) any other prescribed particulars.

(3) An entry in a dealings record is to be -

(a) numbered sequentially; and

(b) made within 24 hours after the dealing occurs; and

(c) kept for a period of 6 years.

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

(5) A dealings record may be in a printed, electronic or any other approved form.

90. Production of information and firearms

A licensed firearms dealer, on demand by a police officer, must -

(a) produce a dealings record to that officer; and

(b) permit that officer to inspect and make copies of any entries in it; and

(c) produce to that officer all firearms, firearm parts and ammunition in the dealer's possession; and

(d) provide that officer with any information in the dealer's possession relating to any firearm, firearm parts and ammunition -

(i) that has been manufactured, purchased or received under the authority of the dealer's firearms dealer licence; or

(ii) that is in the dealer's possession; or

(iii) that the dealer has sold or otherwise transferred or repaired under the authority of the licence.

Penalty:

Fine not exceeding 50 penalty units.

91. Alteration to dealings record

A licensed firearms dealer may only alter an entry in a dealings record by interlineation or striking out and not by erasure or obliteration.

Penalty:

Fine not exceeding 20 penalty units.

92. Ceasing to hold licence

A person who ceases to hold a firearms dealer licence must provide the Commissioner with a copy of the dealings record in respect of dealings for the 2 years immediately before ceasing to hold the licence.

Penalty:

Fine not exceeding 50 penalty units.

93. Quarterly returns

(1) A licensed firearms dealer, within 14 days after the end of the months of March, June, September and December in each year, must forward a return to the Commissioner containing the particulars specified in section 89 for the preceding 3 months.

Penalty:

Fine not exceeding 50 penalty units.

(2) A person may forward returns at more frequent intervals than this section requires.

(3) The return is to be in an approved form.

93A. Business management declarations

(1) The Commissioner may serve a licensed firearms dealer with a notice requiring the licensed firearms dealer to provide the Commissioner with a business management declaration.

(2) The licensed firearms dealer must comply with the notice within 14 days after it is served.

Penalty:

Fine not exceeding 40 penalty units or imprisonment for a term not

exceeding 2 years, or both.

(3) In this section -

business management declaration is a declaration by a licensed firearms dealer, signed before a justice, that -

(a) states who, at the time of signing, has primary responsibility for the management of the business carried on under the licence; and

(b) does whichever of the following applies to the licensee at the time of signing:

(i) states the name and address of each of the licensee's close associates and explains, in each case, the precise nature of their association with the licensee;

(ii) states that, since the licence was issued or, as the case may be, the licensee last provided a business management declaration for the licence, there has been no change regarding the licensee's close associates (either as to number, name, address or nature of association).

Division 2 - Miscellaneous matters

94. Labelling

(1) A licensed firearms dealer must affix and keep affixed to each firearm in the dealer's possession a label that shows -

(a) the entry number for that firearm as entered in the dealings record; and

(b) any identifying number of that firearm.

Penalty:

Fine not exceeding 20 penalty units.

(2) Subsection (1) does not apply to a firearm that is in the firearms dealer's possession for the purpose of repair.

95. Loss, theft or destruction of firearm

(1) A licensed firearms dealer must notify the Commissioner of the loss, theft or destruction of a firearm 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 20 penalty units.

(2) A notice is to be in an approved form.

96. Particulars relating to firearms

(1) The Commissioner, by notice served on a licensed firearms dealer, may require the dealer to provide the Commissioner with particulars relating to the acquisition, disposition and possession by the dealer of any firearm or firearms part as specified in the notice.

(2) A licensed firearms dealer must comply with the notice within 48 hours after it is served.

Penalty:

Fine not exceeding 20 penalty units.

96A. Employment restrictions, &c.

(1) The holder of a firearms dealer licence must not employ a proscribed person in a job that gives the proscribed person access to any firearms or ammunition dealt with under the licence.

Penalty:

Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) A proscribed person must not apply for or accept employment that gives the proscribed person access to any firearms or ammunition dealt with under a firearms dealer licence.

Penalty:

Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years, or both.

(3) The holder of a firearms dealer licence must not cause or allow a proscribed person to -

(a) act as an agent for the business carried on under the licence; or

(b) participate in the management of the business carried on under the licence.

Penalty:

Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years, or both.

(4) A proscribed person must not -

(a) act as an agent for a business carried on under a firearms dealer licence; or

(b) participate in the management of the business carried on under a firearms dealer licence.

Penalty:

Fine not exceeding 40 penalty units or imprisonment for a term not exceeding 2 years, or both.

(5) It is a defence in proceedings for an offence under subsection (1) or (3) if the defendant establishes that, on the day of the alleged offence, he or she did not know, and could not reasonably have been expected to know, that the person to whom the alleged offence relates was a proscribed person.

(6) For the purposes of this section, a person is taken to be a proscribed person on a particular day if the person -

(a) has, in the 10-year period immediately preceding that day, had a firearms dealer licence cancelled; or

(b) has, in the 10-year period immediately preceding that day, had an application for a licence or permit under this Act refused on the grounds that -

(i) the person was not considered a fit and proper person to be issued with the licence or permit; or

(ii) the person was not considered a fit and proper person to be trusted with possession of firearms; or

(iii) the issue of the licence or permit would be contrary to the public interest; or

(c) is subject to an interim restraint order or interim family violence order or a similar interim order in force under a law of another jurisdiction; or

(d) is subject to a restraint order, family violence order or police family violence order or a similar order in force under a law of another jurisdiction; or

(e) is subject, either in this State or elsewhere, to a good behaviour bond relating to an offence of or involving violence; or

(f) is subject to a firearm prohibition order.

97. Display

The holder of a firearms dealer licence or a firearms museum licence must ensure that any firearm displayed in any part of the premises to which the licence relates -

(a) is under the immediate supervision and control of the holder or an employee of the holder; 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 an employee of the holder.

Penalty:

Fine not exceeding 50 penalty units.

98. Repair

(1) A licensed firearms dealer must not take possession of any firearm for the purpose of repairing it unless the dealer has seen -

(a) the licence or permit of the person who is giving possession of the firearm to the dealer; and

(b) the current certificate of registration of the firearm.

Penalty:

Fine not exceeding 20 penalty units.

(2) A licensed firearms dealer must not repair any firearm that is not registered.

Penalty:

Fine not exceeding 50 penalty units.

99. Safekeeping of records

A licensed firearms dealer must ensure that any record required to be kept by the dealer under this Act is -

(a) kept in a place of safekeeping on the premises specified in the licence; and

(b) kept separate from the place in which firearms are kept.

Penalty:

Fine not exceeding 20 penalty units.

99A. Licence to be cancelled in certain circumstances

(1) The Commissioner must cancel a firearms dealer licence if the Commissioner is satisfied that -

(a) the licensee does not have primary responsibility for the management of the business carried on under the licence (in this section referred to as "the firearms business"); or

(b) the licensee has a close associate who is not a fit and proper person to be a close associate of a firearms dealer.

(2) In deciding whether a person is a fit and proper person to be a close associate of a firearms dealer, the Commissioner may, as regards that person, take into account any of the matters that are to be taken into account under section 29(2) in respect of an applicant for a licence.

PART 7 - Offences

Division 1 - Mailing, delivery or transporting firearms

100. Mailing firearms and ammunition within State

(1) A person must not send any firearm, firearm part or ammunition by mail to an address in Tasmania.

Penalty:

Fine not exceeding 50 penalty units.

(2) A person must not receive any firearm, firearm part or ammunition by mail at an address in Tasmania.

Penalty:

Fine not exceeding 50 penalty units.

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

Penalty:

Fine not exceeding 50 penalty units.

(4) A person is taken to make a request if the person accepts an offer made by another person within or outside Tasmania to forward any firearm, firearm part or ammunition by mail to an address within Tasmania.

(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 was sent to the person without his or her knowledge or approval.

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

101. Mailing firearms outside State

A person must not send any firearm, firearm part or ammunition to another person by mail unless -

(a) the person sending it holds a firearms dealer licence; and

(b) the address to which it is sent is outside Tasmania; and

(c) it is sent by security mail; and

(d) 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 which applies at that place; and

(e) the other person holds a corresponding licence under the law of that other place.

Penalty:

Fine not exceeding 50 penalty units.

102. Delivery of firearms

(1) A person may only deliver possession of any firearm, firearm part or ammunition to another person -

(a) in person; or

(b) by means of a person who appears able to ensure the security of the firearm, firearm part or ammunition during the course of delivery.

Penalty:

Fine not exceeding 50 penalty units.

(2) A person who possesses a firearm, firearm part or ammunition for the purpose of delivering it to another person does not commit an offence under section 9 in relation to that possession.

103. Transport of firearms and ammunition

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

Penalty:

Fine not exceeding 50 penalty units.

104. Conveying firearms and ammunition

(1) A person who conveys a firearm or any ammunition must comply with the prescribed safety requirements.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.

(2) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that, at the relevant time, the relevant firearm or ammunition was being conveyed -

(a) in connection with the defendant's employment or livelihood; and

(b) no further than reasonably necessary in the circumstances.

(3) A court that convicts a person of an offence under subsection (1) in respect of any firearm or ammunition may, in addition to any other penalty it may impose, order that the firearm or ammunition is forfeited to the Crown.

(4) Any firearm or ammunition forfeited to the Crown pursuant to subsection (3) is to be disposed of as the Minister determines.

Division 2 - Sale and possession

105. Sale and possession of ammunition

(1) A person must not sell or supply ammunition for a firearm to another person unless -

(a) the other person -

(i) is the holder of a licence for a firearm which takes that ammunition; or

(ii) is authorised by the Commissioner in writing to buy it; and

(b) the person selling or supplying the ammunition has seen the licence or authority of the other person; and

(c) the person selling or supplying the ammunition is -

(i) a firearms dealer; or

(ii) an employee of a firearms dealer; or

(iii) authorised by the Commissioner in writing to sell or supply the ammunition.

Penalty:

Fine not exceeding 50 penalty units.

(2) A person must not acquire ammunition for any firearm unless -

(a) the person -

(i) is the holder of a licence for a firearm which takes that ammunition; or

(ii) is authorised by the Commissioner in writing to acquire it; and

(b) the amount of ammunition that is acquired during any prescribed period does not exceed any prescribed amount.

Penalty:

Fine not exceeding 50 penalty units.

(3) A person must not possess ammunition unless the person -

(a) is the holder of a licence for a firearm which takes that ammunition; or

(b) is a collector of ammunition and is authorised by the Commissioner in writing to possess that ammunition.

Penalty:

Fine not exceeding 50 penalty units.

(4) The Commissioner must not authorise a person to sell or supply ammunition unless satisfied that the person intends to do so in a remote area.

(5) A person employed by a firearms dealer must not manually handle ammunition for a firearm in the course of that employment unless the person holds -

(a) a firearms licence of the appropriate category as specified in Division 2 of Part 2 in respect of that firearm; or

(b) a firearms dealer employee licence.

Penalty:

Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

106. Advertising sale of firearms

A person must not cause an advertisement for the sale of any firearm, firearm part or ammunition to be published unless -

(a) the person is a licensed firearms dealer; or

(b) the proposed sale is to be arranged by or through a licensed firearms dealer.

Penalty:

Fine not exceeding 50 penalty units.

107. Possession of firearm parts

A person must not possess a firearm part unless the person is authorised by a licence or permit to possess a firearm of the category to which the firearm part relates.

Penalty:

Fine not exceeding 50 penalty units.

108. Inspection of firearms

(1) A person who carries a firearm or firearm part, on the demand of a police officer, must produce for inspection by the police

officer -

(a) the firearm or firearm part; and

(b) any licence to which the firearm or firearm part relates.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

(2) A person, on demand by a police officer, must state the person's full name and usual place of residence to the police officer.

Penalty:

Fine not exceeding 50 penalty units.

(3) A person is guilty of an offence under subsection (1) only if the police officer, when making the demand, explains to the person that failure to comply with the demand is an offence under this Act.

(4) A person is not guilty of an offence under subsection (1) because of failing to produce a licence or permit if the person -

(a) has a reasonable excuse for not having the licence or permit when the demand is made; and

(b) produces it, as soon as is practicable and within 7 days after the demand for its production is made -

(i) to the police officer who made the demand; or

(ii) to another police officer nominated by that officer.

109. Surrender of firearms by unauthorised persons

(1) A person who comes into possession of a firearm and who is not authorised under this Act to possess the firearm must immediately surrender the firearm.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

(2) A person does not commit an offence under this Act by surrendering a firearm under this section.

110. Unsafe firearms

(1) A person must not have possession of a firearm that is unsafe.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not

exceeding 2 years, or both.

(2) A police officer may seize any firearm in the possession of any person if the police officer suspects on reasonable grounds that the firearm is unsafe.

(3) A firearm is unsafe if -

(a) because of some mechanical defect or its general condition, it may reasonably be considered to be unsafe; or

(b) for any other reason, it may reasonably be considered to be unsafe.

Division 2A - Trafficking

110A. Unlawful trafficking in firearms

(1) A person is guilty of an indictable offence punishable under the Criminal Code if the person traffics in firearms without lawful excuse.

(2) For the purposes of subsection (1), a person is taken to traffic in firearms without lawful excuse if -

(a) the firearms are registrable firearms; and

(b) the firearms are not registered or the person is not the registrant of the firearms; and

(c) on one or more occasions, the person carries out one or more of the following activities:

(i) sells or otherwise disposes of the firearms to any other person (whether or not that other person is in Tasmania);

(ii) receives or delivers the firearms from or to any other person (whether or not that other person is in Tasmania);

(iii) modifies, prepares or packs the firearms for sale or delivery to any other person (whether or not that other person is in Tasmania);

(iv) conveys the firearms from one place to another;

(v) has possession of, or conceals, the firearms for or in connection with an activity referred to in subparagraph (i), (ii), (iii) or (iv).

(3) Without restricting the generality of the expression "possession", a person is taken to be in possession of a firearm for the purposes of this section so long as it is on any premises owned or occupied by the person, unless the person proves that he or she had no knowledge of the firearm being on those premises.

(4) In this section -

premises includes -

(a) an area of land, whether built on or enclosed; and

(b) a building or a part of a building, whether permanent or temporary; and

(c) a structure or a part of a structure, whether permanent or temporary; and

(d) a vehicle;

registrable firearms means firearms that, by virtue of section 74(1), a person must not sell, acquire, possess or use unless they are registered;

vehicle means any thing capable of transporting people, objects or materials by air, road, rail or water, regardless of how the thing is moved or propelled.

110B. Extra-territorial application of anti-trafficking provisions

(1) If -

(a) a person carries out an activity referred to in section 110A(2) (c) outside, or partly outside, Tasmania; and

(b) there is a real and substantial link between the activity and Tasmania -

section 110A applies to the activity as if it had been carried out wholly within Tasmania.

(2) For the purposes of subsection (1), there is a real and substantial link between an activity and Tasmania if -

(a) a significant part of the conduct relating to, or constituting, the carrying out of the activity occurs in Tasmania; or

(b) where the activity is carried out wholly or partly outside Tasmania, substantial harmful effects arise in Tasmania.

Division 3 - Miscellaneous

111. Possession of loaded firearm in public place

(1) A person must not be in possession of a loaded firearm in a vehicle in a public place.

Penalty:

Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 years, or both.

(2) A person must not be in possession of a loaded firearm in a public place unless the person -

(a) is the holder of a licence; and

(b) is undertaking the particular purpose to which the licence relates.

Penalty:

Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 years, or both.

(3) A firearm is loaded if it has a round of ammunition in-

(a) its chamber; or

(b) a magazine attached to the gun.

112. Discharge of firearm in public place

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

(a) is the holder of a licence; and

(b) is undertaking the particular purpose to which the licence relates.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

113. Recklessly discharging firearm

(1) 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 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) A person must not discharge a firearm within 250 metres of a dwelling house except -

(a) on an approved range; or

(b) with the consent of the occupier of the dwelling house.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(3) However, subsection (2) does not apply to a police officer or animal welfare officer who, acting responsibly in the course of his or her employment, discharges a tranquiliser gun or other firearm

within 250 metres of a dwelling house in order to -

(a) avert or control a threat to life or property posed by a dangerous, injured, diseased or potentially diseased animal; or

(b) end the suffering of an injured or diseased animal.

(4) In this section -

animal welfare officer means a person referred to in any paragraph of section 42.

114. Carrying firearm with criminal intent

(1) A person must not carry a firearm with intent -

(a) to commit a crime; or

(b) to resist arrest or to prevent the arrest of another person.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) In proceedings for an offence under subsection (1), proof that a person -

(a) was carrying a firearm; and

(b) intended to commit a crime or to resist or prevent arrest -

is evidence that the person intended to have the firearm with him or her while committing the crime or resisting or preventing the arrest.

115. Aggravated assault

(1) A person is guilty of a crime under section 183 of the Criminal Code if, during the course of an assault, as defined in section 182 of the Criminal Code, the person carrying out the assault -

(a) uses a firearm; or

(b) threatens to use a firearm, whether or not the person was actually carrying a firearm; or

(c) was carrying a firearm.

(2) A court of summary jurisdiction may hear and determine proceedings in respect of the assault if the prosecutor and the defendant consent.

116. Shortening firearm

A person must not -

(a) shorten any firearm to a length less than 65 centimetres; or

(b) possess any firearm that has been so shortened; or

(c) sell or give possession of any firearm that has been so shortened.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

117. Altering construction of firearms

A person who is not the holder of a firearms dealer licence must not alter the construction and action of a firearm.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

118. Silencers and magazines

(1) A person must not use, keep, possess, sell or manufacture any implement designed to suppress the sound caused by the discharge of a firearm.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

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

(a) capable of holding more than 5 rounds of ammunition; and

(b) designed or adapted for use with a self-loading centre-fire rifle.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(3) A person must not possess a detachable firearms magazine that is -

(a) capable of holding more than 10 rounds of ammunition and being used in a pump-action centre-fire rifle; or

(b) capable of holding more than 10 rounds of ammunition and being used in a lever-action centre-fire rifle; or

(c) capable of holding more than 15 rounds of ammunition and being used in a bolt-action centre-fire rifle.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

119. War games

(1) A person must not -

(a) take part in any war games; or

(b) allow any war games to take place on his or her premises; or

(c) cause any war games to be held; or

(d) assist in the conduct of any war games; or

(e) advertise or promote any war games.

Penalty:

Fine not exceeding 10 penalty units or imprisonment for a term not exceeding 6 months, or both.

(2) The Commissioner may approve the conduct of war games for the purpose of -

(a) an historical re-enactment; or

(b) a dramatic presentation; or

(c) a film, video or television production.

(3) In this section, war games means a simulated military exercise or similar activity in which a firearm is used or carried by a person.

(4) This section does not apply to any exercise or activity undertaken for police, defence forces or other government training purposes.

120. Restrictions relating to alcohol and drugs

(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 50 penalty units or imprisonment for a term not exceeding 2 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 person intending to sell or give possession of the firearm believes or has reasonable cause to believe that the other person is incapable of exercising responsible control over the firearm.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

120A. Conspiracy to commit firearms offence in other jurisdiction

(1) A person is guilty of an indictable offence punishable under the Criminal Code if, in Tasmania, the person conspires with another person, wherever located, to commit an offence against a foreign firearms law.

(2) A person is guilty of an indictable offence punishable under the Criminal Code if, by doing any act or making any omission in Tasmania, the person -

(a) instigates another person, wherever located, to commit an offence against a foreign firearms law; or

(b) enables or aids another person, wherever located, to commit an offence against a foreign firearms law; or

(c) abets another person, wherever located, in committing an offence against a foreign firearms law.

(3) In this section -

foreign firearms law means a law, of a jurisdiction outside Tasmania, that provides for the regulation, registration or control of firearms or like weapons.

121. Pawning firearms

A person must not take a firearm or firearm part into pawn.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

122. Production of licence and permit

(1) The holder of a licence or permit, on demand by a police officer, must -

(a) produce the licence or permit for inspection by the police officer; or

(b) if the person is not able to produce the licence or permit immediately, produce it within 7 days after the demand is made -

(i) to the police officer who made the demand; or

(ii) to another police officer nominated by the officer.

Penalty:

Fine not exceeding 50 penalty units.

(2) The holder of a licence or permit, on demand by a police officer, must state the person's full name and usual place of residence to the police officer.

Penalty:

Fine not exceeding 50 penalty units.

(3) A person is guilty of an offence under subsection (1) only if the police officer, when making the demand, explains to the person that failure to comply with the demand is an offence under this Act.

123. Misuse of licences and permits

A person must not -

(a) falsely represent himself or herself to be the holder of a licence, permit or minor's permit; or

(b) forge or fraudulently alter a licence, permit or minor's permit; or

(c) give possession of a licence, permit or minor's permit to a person who is not a police officer; or

(d) knowingly allow another person to use a licence or permit; or

(e) have possession of, or use, a forged, fraudulently altered, borrowed or stolen licence, permit or minor's permit.

Penalty:

Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 years, or both.

124. Defacing or altering identification marks

A person must not, either intentionally or recklessly, deface or alter any number, letter or identification mark on any firearm or firearm part.

Penalty:

Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 years, or both.

125. Altering or falsifying records

A person, with intent to deceive, must not -

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

(b) omit any particulars required to be contained in any record
kept under this Act; or

(c) make a false or misleading entry in any record kept under
this Act.

Penalty:

Fine not exceeding 100 penalty units or imprisonment for a term not
exceeding 3 years, or both.

126. False or misleading statements

A person, in making an application or providing 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 100 penalty units or imprisonment for a term not
exceeding 3 years, or both.

127. Offences by corporations

(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.

128. Obstruction of police

A person must not -

(a) obstruct or hinder the Commissioner or a police officer
carrying out any duties under this Act; or

(b) fail to comply with a requirement of the Commissioner or a
police officer made under this Act.

Penalty:

Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

129. Amnesty

Where any person -

(a) who is not authorised under this Act to have possession of a firearm has possession of a firearm; or

(b) has possession of a firearm which that person is not authorised to possess under this Act -

and that person voluntarily brings the firearm to a police station and surrenders it to the Commissioner, no action is to be taken against that person in respect of any offence relating to the unauthorised possession of the firearm by that person.

PART 8 - Firearms Prohibition Orders

130. Firearms prohibition order

(1) The Commissioner, by order served on a person, may prohibit the person from possessing or using a firearm if, in the Commissioner's opinion, the person is unfit, in the public interest, to possess or use a firearm.

(2) A firearms prohibition order takes effect on the day on which it is served and is in force until it is revoked.

131. Revocation of firearms prohibition order

The Commissioner may revoke a firearms prohibition order by notice in writing served on the person who is the subject of the order.

132. Effect of firearms prohibition order

(1) A person who is the subject of a firearms prohibition order must not possess or use a firearm in contravention of that order.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) A person must not sell or give possession of a firearm to another person knowing that the other person is prohibited from possessing a firearm under a firearms prohibition order.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

133. Possession of firearm

A person is taken to possess a firearm for the purpose of this Part if

-

_ (a) _ the firearm is found in or on any premises, structure, vehicle, vessel, aircraft or other place; and

_ (b) _ the person is in, on, or in occupation of, the premises, structure, vehicle, vessel, aircraft or place when the firearm is found.

PART 9 - Powers of Police

133A. Interpretation of Part

In this Part -

ammunition includes a projectile falling within paragraph (b) of the definition of light ordnance in section 3;

firearm includes a weapon falling within paragraph (a) of the definition of light ordnance in section 3.

134. Handing over firearm

_ (1) _ A police officer may require a person the police officer reasonably believes has possession of a firearm, whether or not loaded, in a public place or a vehicle in a public place, to hand the firearm to the police officer for examination.

_ (2) _ For the purpose of subsection (1), a police officer may require a person driving or in control of a vehicle to stop the vehicle.

_ (3) _ A person must comply with a requirement under this section.

Penalty:

Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

135. Search and arrest for offences

_ (1) _ A police officer who has reasonable ground to believe that a person has committed, is committing or is about to commit, an offence under this Act, may, without warrant -

_ (a) _ search that person or any vehicle, package or other thing in that person's possession; and

_ (b) _ seize any firearm or ammunition that is found and detain it; and

_ (c) _ seize any licence or permit found in that person's possession; and

(d) if the person is found to be in possession of a firearm or ammunition, arrest that person.

(2) For the purposes of subsection (1), a police officer may require a person driving or in control of a vehicle to stop the vehicle.

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

Penalty:

Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

136. Records or documents seized under search warrants

(1) If a record or document that appears to indicate that an offence under this Act has been, is being or is about to be committed has been seized under a warrant issued under the Search Warrants Act 1997 -

(a) it may be retained for as long as is necessary to enable it to be inspected and for copies or abstracts to be taken; and

(b) it may be inspected and copies or abstracts of it may be 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 any thing seized under a warrant issued under the Search Warrants Act 1997, anything done under the warrant in relation to the thing seized does not prejudice the lien.

137. Dangerous situations

A police officer who has reasonable ground to believe that a person has possession of a firearm and is threatening to use it in circumstances where death or injury to a person is likely, whether or not another person is actually present, without warrant and using any force reasonably necessary and with the assistance of any other person, may -

(a) enter the premises where that person is; and

(b) search the premises where the person was found and any person on those premises; and

(c) seize any firearm, firearm part or ammunition found on the premises or any person on those premises.

138. Personal information

(1) A police officer who has reasonable ground to believe that a person has committed, is committing or is about to commit, an offence under this Act may require that person to give his or her name, address and date of birth.

_ (2) _ A person -

_ (a) _ must comply with any requirement under subsection (1); and

_ (b) _ must not give a false name, address or date of birth.

Penalty:

Fine not exceeding 10 penalty units.

_ (3) _ A police officer may arrest a person without warrant if -

_ (a) _ the person refuses or fails to comply with the request; or

_ (b) _ the police officer reasonably believes any name, address or date of birth given by that person is false.

139. Firearms dealers premises

A police officer, at any reasonable time, may -

_ (a) _ enter and inspect any premises specified in a firearms dealer licence as the premises at which the firearms dealer may carry on business; and

_ (b) _ examine any firearm or ammunition on those premises.

140. Arrest without warrant

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 111(1), 112, 113, 114(1), 120(1) or 128(a).

PART 10 - Reviews

141. Reviews

_ (1) _ A person may apply to the Magistrates Court (Administrative Appeals Division) for a review of -

_ (a) _ the refusal or failure to grant an application by the person for a licence or permit; or

_ (b) _ any condition imposed under section 35(a)(ii), 47(4), 61(a), 69(a), 153(1)(c), 153(2) or 155(1)(b), or clause 2(2) or 3(2) of Schedule 3; or

_ (c) _ the cancellation of a licence or permit issued to the person, other than a cancellation under section 51(1); or

_ (d) _ a firearms prohibition order made against the person; or

_ (e) _ the refusal to grant an application by the person to approve a shooting gallery, rifle club, pistol shooting club, range or society; or

_ (f) _ the cancellation of an approval under section 154.

_ (2) _ For the purpose of applying for a review, the date the decision was made is the day on which -

_ (a) _ a notice is received under section 36(2) or 62(2); or

_ (ab) _ a notice is received under section 47(4); or

_ (b) _ an application for a licence or permit is granted; or

_ (c) _ a notice is served under section 52(1) or 66(3); or

_ (d) _ a firearms prohibition order is served under section 130(1);
or

_ (e) _ a notice is received under section 151(6); or

_ (ea) _ a notice is received under section 153(2); or

_ (f) _ a notice is served under section 154(1).

_ (3) _ The following provisions of the Magistrates Court (Administrative Appeals Division) Act 2001 do not apply to an application to the Magistrates Court (Administrative Appeals Division) for a review of a decision referred to in subsection (1) (a) or (c) that was made on the grounds referred to in section 29(3) (e):

_ (a) _ Division 1 of Part 4;

_ (b) _ section 21.

_ (4) _ In determining an application for a review under subsection (1), the Magistrates Court (Administrative Appeals Division) -

_ (a) _ is to ensure that it does not, in the reasons for its decision or otherwise, disclose the existence or content of any criminal intelligence report or other criminal information referred to in section 29(3) (e); and

_ (b) _ in order to prevent the disclosure of any such report or other information, is to receive evidence and hear argument in the absence of the public, the applicant for the review and the applicant's representative.

_142. _

_143. _

_144. _

_145. _

_146. _

147. Inherited firearms

(1) If at the time of a person's death the person was in possession of a firearm, a person who as a consequence of that death gains possession of the firearm must, as soon as is reasonably practicable after gaining possession of the firearm -

(a) if it is a registered firearm, deliver it up to -

(i) the Commissioner; or

(ii) a person (in this section referred to as "the keeper") who holds a firearms licence of the category appropriate to that firearm; or

(b) if it is an unregistered firearm, surrender it to the Commissioner.

Penalty:

Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(2) On receipt of a registered firearm under subsection (1), the Commissioner or keeper must hold it in safe custody until-

(a) the firearm is lawfully claimed by a person beneficially entitled to it and who is entitled to possess or use it under this Act; or

(b) the Commissioner or keeper is requested-

(i) by a person who is beneficially entitled to the firearm and not entitled to possess or use it under this Act; or

(ii) by a person who is the personal representative or the trustee of the deceased person or, if there is no personal representative or trustee of the deceased person, a person beneficially entitled to part of the proceeds of sale of the firearm-

to deliver the firearm to a licensed firearms dealer nominated by the person referred to in subparagraph (i) or (ii) for sale by the dealer on behalf of the persons beneficially entitled.

(3) If there is no personal representative or trustee of the deceased person's estate and there is more than one person beneficially entitled to the proceeds of sale, a majority of those persons beneficially entitled may, before the Commissioner or keeper complies with a request under subsection (2)(b)(ii), requests the Commissioner or keeper to deliver the firearm to a licensed firearms dealer nominated by that majority.

(4) If the Commissioner or keeper receives a request under subsection (3), the Commissioner or keeper is to comply with that

request within a reasonable time and is to disregard any request received under subsection (2)(b)(ii).

(5) Unless the Commissioner or keeper has received a request under subsection (3), the Commissioner or keeper must, within a reasonable time after receiving a request under subsection (2)(b), deliver the firearm to the licensed firearms dealer.

(6) The licensed firearms dealer is to possess the firearm as an agent of the person making the request under subsection (2)(b) or (3) and is entitled to charge the prescribed fee, or, if no fee is prescribed, a reasonable amount, for the dealer's services in acting as agent.

(7) A person, other than the Commissioner, who takes delivery of a firearm pursuant to subsection (1) must comply with his or her obligations under this section as the keeper of that firearm.

Penalty:

Fine not exceeding 25 penalty units.

148. Disclosure of certain information

(1) A prescribed person is to inform the Commissioner, by notice in writing, if he or she reasonably believes that -

(a) a patient or client is likely to possess or use a firearm; and

(b) such possession or use would be unsafe, for the patient or client or another person -

(i) because of the patient's or client's mental or physical condition; or

(ii) because the patient or client would be a threat to public safety.

(2) A notice is to specify -

(a) the patient's or client's name and address; and

(b) the reason for the opinion held in relation to the patient.

(3) A representative of an approved pistol shooting club, or a representative of an approved society, the members of which collect firearms, is to inform the Commissioner by notice in writing of any concern held by the club or society or any member of the club or society that a person may pose a danger if in possession of a firearm.

(4) A representative of an approved pistol shooting club, or a representative of an approved society, the members of which collect firearms, is to inform the Commissioner by notice in writing of a member's expulsion and the reasons for the expulsion.

(5) The act of giving any information in a notice in good

faith does not give rise to any criminal or civil action or remedy.

(6) In this section,

prescribed person means -

(a) a medical practitioner; or

(b) a registered nurse; or

(c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; or

(d) any other person or class of person determined by the Minister by notice in the _Gazette_ to be a prescribed person.

(7) A notice for the purpose of subsection (6) (d) is not a statutory rule for the purposes of the _Rules Publication Act 1953_.

149. Disposal of surrendered or seized firearms

(1) A police officer or a person who claims to be the owner of any firearm or ammunition surrendered or seized under this Act may apply to a magistrate for an order under this section.

(2) A magistrate may order that the firearm or ammunition-

(a) is forfeited to the Crown; or

(b) is to be returned to the person claiming to be the owner of the firearm or ammunition; or

(c) is to be disposed of in any manner the magistrate determines.

(3) If a person is convicted of an offence under Part 5 in respect of which any firearm or ammunition has been seized under section 88, the court, in addition to imposing any other penalty, may order that the seized firearm or ammunition is forfeited to the Crown.

(3A) Any firearm or ammunition forfeited to the Crown under subsection (3) is to be disposed of as the Minister determines.

(4)

(5) The Auditor-General is to arrange for an independent audit of all firearms or ammunition disposed of under this Act to be carried out once every year.

(6) A report of any audit carried out under subsection (5) is to be tabled in both Houses of Parliament.

(7) In this section -

ammunition includes a projectile falling within paragraph (b) of the definition of light ordnance in section 3;

firearm includes a weapon falling within paragraph (a) of the

definition of light ordnance in section 3.

150. Liability of parent or guardian

(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 minor has been proceeded against or convicted of that offence.

(3) This section does not affect any liability of the minor for an offence committed by the minor under this Act.

151. Approved clubs, shooting galleries and ranges

(1) A person may apply to the Commissioner to approve -

(a) a shooting gallery; or

(b) a rifle club; or

(c) a pistol shooting club; or

(d) a range; or

(e) a society, the members of which collect firearms.

(2) An application is to be -

(a) in an approved form; and

(b) accompanied by the prescribed fee; and

(c) lodged with the Commissioner.

(3) The Commissioner may -

(a) grant an application; or

(b) refuse to grant an application.

(4) The Commissioner must not grant an application to approve a shooting gallery unless satisfied that -

(a) the situation, construction, suitability and equipment of the gallery do not cause a hazard to the users of the gallery, the general public or other property; and

(b) that any firearm to be used in connection with the gallery is safe and appropriate for that purpose.

(5) The Commissioner must not grant an application to approve a range unless satisfied that the situation, construction, suitability and equipment of the range do not cause a hazard to the users of the

range, the general public or any other property.

(6) The Commissioner must notify the applicant of the refusal to grant an application for approval by notice in writing stating the reasons for the refusal.

152. Granting approval

The Commissioner, in granting an application under section 151, must specify in the approval -

(a) the name and address of the person to whom the approval is granted; and

(b) in the case of a rifle club, a pistol shooting club or a society, the members of which collect firearms, the premises where the club may carry on its activities; and

(c) in the case of a range, the address or location of the range; and

(ca) in the case of a pistol shooting club or a society, the members of which collect firearms, a request for the club or society to provide annually details of Category H firearms licence holders who are members of the club or society, including the names, addresses, dates of birth and licence numbers of the members; and

(d) any conditions imposed under section 153.

153. Conditions of approval

(1) The Commissioner is to impose the following conditions in respect of an approval:

(a) in the case of a shooting gallery -

(i) that the gallery and its equipment are not to be altered without the Commissioner's consent; and

(ii) that only firearms approved for the purpose are to be used in connection with the gallery;

(b) in the case of a range, that the range and its equipment are not to be altered without the Commissioner's consent;

(c) any other condition the Commissioner considers appropriate.

(2) The Commissioner may, by notice in writing given to a person named in an approval in existence immediately before 1 July 2003, amend any conditions imposed under subsection (1)(c) to give effect to the amendments made to this Act by the Firearms Amendment Act 2003.

154. Cancellation of approval

(1) The Commissioner, by notice in writing served on the

person named in an approval, may cancel the approval if -

(a) satisfied that the approval was obtained by means of -

(i) a false or misleading statement; or

(ii) a failure to disclose relevant information; or

(b) the person fails to comply with any condition specified in the approval.

(2) The cancellation of an approval takes effect -

(a) on the day on which notice is served; or

(b) on any later date specified in the notice.

(3) A notice is to specify the reason for the cancellation.

155. Exemptions

(1) The Commissioner, subject to any specified condition, may exempt a person or class of person from any provision of this Act relating to the possession or use of a firearm or ammunition -

(a) at an approved shooting gallery; and

(b) subject to any conditions the Commissioner considers appropriate.

(1A) On the written application of a person, the Commissioner may exempt the person from any provision of this Act relating to the possession or use of a firearm or ammunition -

(a) at an approved rifle club, approved pistol shooting club or approved range; and

(b) subject to any conditions the Commissioner considers appropriate.

(1B) A person who has made a written application under subsection (1A) is entitled, on signing the application, to possess or use, at a club or range referred to in that subsection, a firearm approved for use at that club or range for the purpose of participating in one shooting activity on one day at that club or range.

(1C) An application referred to in subsection (1A) is to include an authorisation from the applicant to the Commissioner to release any information that the Commissioner considers necessary in relation to the applicant to a person holding an official position in an approved rifle club or an approved pistol shooting club, and for a person holding an official position in an approved rifle club or an approved pistol shooting club to release to the Commissioner any information that the person considers necessary in relation to the applicant.

(2) The Commissioner must not exempt a person or class of person under subsection (1) unless satisfied that the activities to be undertaken by that person or class of person do not require a licence or permit.

(3) Subsection (1) does not apply to a person who is the owner, manager or operator of a shooting gallery.

(4) The Commissioner, subject to any specified condition, may exempt a person or class of persons from a provision of this Act relating to the possession or use of any or any combination of the following:

- _(a)_ any ammunition;
- _(b)_ a firearm;
- _(c)_ a firearms magazine;
- _(d)_ a firearm sound suppressor.

(5) An exemption is to specify -

- _(a)_ the person or class of person to which it relates; and
- _(b)_ any condition to which it is subject.

(6) The Commissioner may cancel an exemption at any time for any reason.

156. Delegation

The Commissioner may delegate to the following persons any of the Commissioner's functions or powers under this Act, other than this power of delegation or the power of exemption under section 155:

- _(a)_ a police officer;
- _(b)_ a State Service officer or State Service employee;
- _(c)_ any other prescribed person.

157. Authorised persons

(1) The Commissioner, in writing, may authorise a person appointed to undertake duties under the Nature Conservation Act 2002 or the National Parks and Reserves Management Act 2002 to perform or exercise the functions and powers of a police officer under this Act.

(2) An authorisation may be made either generally or as provided by the instrument of authorisation.

(3) A function or power performed or exercised by a person authorised under subsection (1) has the same effect as if performed or exercised by a police officer.

(4) The Commissioner may revoke an authorisation wholly or

partly.

(5) This Act applies in respect of a person performing or exercising a function or power in accordance with an authorisation given under subsection (1) as if that person were a police officer performing or exercising the function or power.

158. Evidence

A certificate signed by the Commissioner or an approved person certifying any one or more of the following matters:

(a) that a specified person was or was not, on a specified day or during a specified period, the holder of a licence, permit or minor's permit;

(b) that a licence, permit or minor's permit was or was not, on a specified day or during a specified period, subject to specified conditions;

(c) that a licence or permit was or was not, on a specified day or during a specified period, a licence relating to a specified category for a specified purpose;

(d) that a specified person was or was not, on a specified day or during a specified period, subject to a firearms prohibition order;

(e) that a specified firearm was registered or unregistered on a specified day or during a specified period;

(f) that a specified person was a registrant on a specified day or during a specified period;

(g) that a specified address was, on a specified day, the last address known to the Commissioner of a specified person;

(h) that a shooting gallery, rifle club, pistol shooting club or range was or was not, on a specified day or during a specified period, approved;

(i) that an approval for a shooting gallery, rifle club, pistol shooting club or range was, or was not, on a specified day or during a specified period, subject to specified conditions -

is admissible in any proceedings for an offence under this Act and is evidence of those matters.

159. Immunity from liability

(1) The Commissioner or a police 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 preclude the Crown from being subject to any action, liability, claim or demand to which the Crown would, but for this subsection, have been subject.

160. Regulations in general

_ (1) _ The Governor may make regulations for the purpose of this Act.

_ (2) _ Regulations may be made so as to apply differently according to any matter, condition, limitation, restriction, exception or circumstance specified in the regulations.

_ (3) _ The regulations may -

_ (a) _ provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and

_ (b) _ in respect of such an offence, provide for the imposition of a fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

_ (4) _ The regulations may authorise any matter to be determined, applied or regulated by any person or body.

_ (5) _ The regulations may confer a power and impose a duty on a specified person or a specified class of persons.

_ (6) _ The regulations may adopt or incorporate the whole or any part of any document, standard, rule, code, specification or method, with or without modification, issued, prescribed or published by any person or body before or after the regulations take effect.

161. Regulations relating to specific matters

The Governor may make regulations relating to -

_ (a) _ the acquisition, possession, registration, storage, identification, maintenance, carrying, conveyance, altering, repair, testing and use of firearms; and

_ (b) _ fees payable in respect of matters under this Act, including fee exemptions, concessions, waivers and refunds (full or partial); and

_ (c) _ the replacement of licences and permits that are stolen, lost, destroyed or damaged.

162. Regulations of savings and transitional nature

_ (1) _ The Governor may make regulations of a savings or transitional nature consequent on the enactment of this Act.

_ (2) _ Regulations under subsection (1) may take effect from the commencement of this Act or a later day.

163. Repeal

The Act specified in Schedule 2 are repealed and all statutory rules

made under those Acts are rescinded.

164. Savings and transitional provisions

Schedule 3 has effect with respect to savings and transitional matters.

165. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the _Administrative Arrangements Act 1990_ -

_(a) _ the administration of this Act is assigned to the Minister for Police and Public Safety; and

_(b) _ the Department responsible to the Minister for Police and Public Safety in relation to the administration of this Act is the Department of Police and Public Safety.

SCHEDULE 1 - Prohibited Firearms

Section 3

The following firearms are prohibited firearms:

1.

Any machine gun, submachine gun or other firearm capable of propelling projectiles in rapid succession during one pressure of the trigger.

2.

Any self-loading rim-fire rifle.

3.

Any self-loading centre-fire rifle.

4.

Any self-loading shotgun.

5.

Any pump action shotgun.

6.

Any firearm that substantially duplicates in appearance a firearm referred to in item 1.

7.

Any firearm to which there is attached any article or device capable of muffling, reducing or stopping the noise created by firing the firearm.

8.

A pistol that is of a reduced or an abridged size.

9.

Any firearm or part of a firearm which has a dimension less than the prescribed minimum dimension.

10.

A prohibited pistol.

 SCHEDULE 2 - Acts Repealed

Section 163

 Guns Act 1991

 Guns Amendment Act 1993

 Guns Amendment Act 1996

 SCHEDULE 3 - Savings and Transitional Provisions

Section 164

 1. Interpretation

In this Schedule -

 approved rifle club means a rifle club approved under the former Act;

 commencement day means the day on which this Act commences;

 former Act means the _Guns Act 1991_;

 former licence means a licence that -

 (a) was issued under the former Act; and

 (b) was in force immediately before the commencement day;

 former permit means a permit that -

 (a) was issued under the former Act; and

 (b) was in force immediately before the commencement day;

 fully-automatic gun means a fully-automatic gun as defined by the former Act;

 gun-dealers licence means a gun-dealers licence as defined by the former Act;

 prohibited gun means a prohibited gun as defined by the former Act.

2. Former licence

(1) A former licence continues in force until whichever of the following occurs first:

(a) the end of a period of 12 months after the commencement day;

(b) the surrender of the licence.

(2) The Commissioner may impose on the former licence -

(a) any condition specified in section 46; and

(b) any other condition the Commissioner considers appropriate.

(3) The Commissioner may cancel a former licence if -

(a) of the opinion that the holder is no longer a fit and proper person to hold the licence; or

(b) the holder fails to comply with any condition of the licence.

(4) A gun-dealers licence continued under this clause does not authorise the holder to sell a firearm to a person who is not authorised by permit to acquire the firearm.

3. Former permit

(1) A former permit continues in force until whichever of the following occurs first:

(a) the end of a period of 12 months after the commencement day;

(b) the end of the period specified in the permit;

(c) the surrender of the permit under this Act.

(2) The Commissioner may impose on the former permit any condition the Commissioner considers appropriate.

(3) The Commissioner may cancel a former permit if -

(a) of the opinion that the holder is no longer a fit and proper person to hold the permit; or

(b) the holder fails to comply with any condition of the permit.

4. Certificate of pistol registration

(1) A certificate of registration in force under the former Act immediately before the commencement day in respect of a pistol is, on that day, a certificate of registration in respect of that pistol under this Act.

(2) A certificate of registration referred to in subclause (1) continues in force until whichever of the following occurs

first:

(a) the end of a period of 12 months after the commencement day;

(b) the registration ceases to be valid.

___5. Registration_

The holder of a former licence continued under clause 2 must register any firearm the holder possesses within 6 months, or such further period as the Minister may determine, after the commencement day.

__6. Approvals_

Any approval granted under the former Act and in force immediately before the commencement day is, on that day, an approval under this Act.

__7. Records and returns_

Any records or returns kept or made under the former Act immediately before the commencement day are, on that day, records or returns kept or made under this Act.

__8. Register_

A register kept under the former Act immediately before the commencement day is, on that day, part of the register kept under this Act.

__9. Proceedings_

Any proceedings instituted under the former Act and not determined before the commencement day may, on or after that day, be determined under the former Act.

__10. Appeals_

Any appeal instituted under the former Act and not determined before the commencement day may, on or after that day, be determined under the former Act.

__11. Safety courses_

(1) Any course relating to gun safety and gun handling approved under the former Act before the commencement day is, on that day, an approved firearms safety course.

(2) The holder of a former licence is not required to complete a firearms safety course in respect of an application for a Category A firearms licence, Category B firearms licence, Category C firearms licence or Category D firearms licence.

(3) The holder of a former permit is not required to complete a firearms safety course in respect of an application for a Category H firearms licence.

12. Amnesty relating to prohibited firearms

(1) This clause applies to the following:

- (a) self-loading rim-fire rifles;
- (b) self-loading centre-fire rifles;
- (c) self-loading shotguns;
- (d) pump action shotguns.

(2) A person does not commit an offence under section 9 or 10 in respect of a prohibited firearm referred to in subclause (1) if the person -

(a) lawfully acquired the firearm before the commencement day;
and

(b) is not the holder of a licence under this Act authorising the person to possess the firearm.

(3) Subclause (2) applies for a period of 12 months starting on the commencement day.

(4) This clause does not authorise a person to use a firearm referred to in subclause (1) without the authority of a licence.

13. Payment of fees not required on initial application of licence

Notwithstanding section 28(2)(e), a person who held a former licence in respect of a firearm is not required to pay a fee in respect of the initial application for a licence relating to that firearm.

Table Of Amendments

Act Number and year Date of commencement
Firearms Act 1996 No. 23 of 1996 13.11.1996
Search Warrants (Consequential Amendments) Act 1997 No. 35 of 1997
1.6.1999
Forestry Amendment (Miscellaneous) Act 1999 No. 30 of 1999 1.1.2000
State Service (Consequential and Miscellaneous Amendments) Act 2000
No. 86 of 2000 1.5.2001
Magistrates Court (Administrative Appeals Division) (Consequential
Amendments) Act 2001 No. 73 of 2001 1.7.2002
National Parks and Wildlife Separation (Consequential Amendments) Act
2002 No. 64 of 2002 31.12.2002
Firearms Amendment Act 2003 No. 30 of 2003 1.7.2003
Police Service (Consequential Amendments) Act 2003 No. 76 of 2003
1.1.2004
Family Violence Act 2004 No. 67 of 2004 30.3.2005
Security and Investigations Agents Amendment (Crowd Controllers) Act
2005 No. 58 of 2005 1.1.2006
Firearms Amendment Act 2007 No. 43 of 2007 13.11.2007

23.12.2009

Health Practitioner Regulation National Law (Tasmania) (Consequential
Amendments) Act 2010 No. 3 of 2010 1.7.2010

CURRENT VIEW: [_1 Jul 2010](#) - [_](#)

[VIEW THE SESSIONAL VERSION](#)
