

Authorised Version No. 097

Firearms Act 1996

No. 66 of 1996

Authorised Version incorporating amendments as at
30 August 2022

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
Part 1—Preliminary	1
1 Purpose	1
2 Commencement	2
3 Definitions	2
3A Temporary declarations by the Chief Commissioner for the purposes of certain definitions	30
3B Permanent declarations by the Chief Commissioner for the purposes of certain definitions	32
3C Chief Commissioner may allow a person to continue to be licensed or renew firearms licence following temporary or permanent declaration	33
4 Act binds the Crown	34
Part 2—Possession, carriage or use of firearms and related items	35
Division 1—Offences	35
5 Offence for prohibited person to possess, carry or use a firearm	35
6 Offence for non-prohibited person to possess, carry or use a longarm without a licence	35
6A Offence to possess, carry or use an unregistered longarm	37
7 Offence for non-prohibited person to possess, carry or use a handgun without a licence	38
7A Offences for certain types of handguns	39
7B Offence to possess, carry or use an unregistered handgun	43
7C Possession of a traffickable quantity of firearms	43
8 Offence to acquire, dispose of possess or carry cartridge ammunition for collections	43
8A Proof of registration of firearm	44
Division 2—Longarm licences	44
9 Issue of longarm licences	44
10 Reasons for applying for longarm licence, category A or B	46
11 Reasons for applying for a longarm licence, category C	49

Section	Page	
12	Reasons for applying for a longarm licence, category D	52
13	Reasons for applying for a longarm licence, category E	53
13A	Reasons for applying for paintball marker licence	53
14	Conditions applying to longarm licences	53
Division 3—Handgun licences		55
15	Issue of handgun licences for general category handguns	55
16	Conditions applying to handgun licences	58
16A	Issue of handgun licences for category E handguns	64
16AA	Power of Chief Commissioner to modify participation condition	64
16B	Conditions applying to handgun licences for category E handguns	65
Division 4—General provisions applying to longarm and handgun licences		65
17	General discretion of Chief Commissioner to refuse a longarm or handgun licence	65
Division 5—Junior licences		68
18	Issue of junior licences	68
19	Conditions applying to junior licences	69
20	General discretion of Chief Commissioner to refuse a junior licence	70
Division 6—Firearms collectors and heirlooms licences		71
21	Issue of category 1 firearms collectors licences	71
21A	Issue of category 2 firearms collectors licences	72
21B	Issue of antique handgun collectors licences	73
22	Conditions applying to firearms collectors licences	74
23	General discretion of Chief Commissioner to refuse a firearms collectors licence	75
24	Firearms collectors register	76
25	Issue of firearms heirlooms licences	77
26	Conditions applying to firearms heirlooms licences	77
27	General discretion of Chief Commissioner to refuse a firearms heirlooms licence	77
Division 7—Firearms ammunition collectors licences		78
28	Issue of firearms ammunition collectors licences	78
29	General discretion of Chief Commissioner to refuse a firearms ammunition collectors licence	79
30	Conditions applying to firearms ammunition collectors licences	80

<i>Section</i>	<i>Page</i>
Division 8—General provisions applying to licences under this Part	80
31 Application for a licence	80
32 Information which is required for an application for a licence	81
32A Chief Commissioner may refuse to make a decision on an application for a licence	82
33 28 day waiting period	82
33A Notice that licence may be refused	83
33B Further consideration of application and convening of hearing	84
33C Refusal of licence	84
34 Review of decision not to issue a licence	85
35 Particulars of licences	86
36 Offence not to comply with licence conditions	86
37 Variation of licence conditions	87
38 Review of a decision to vary licence conditions	88
39 Duration of licences	88
39A Extension of junior licence after 18 years	88
40 Requirement to notify Chief Commissioner of change of nominated person	89
41 Renewal of licences	90
41A Continuation of licence during consideration of application for renewal	91
42 General discretion of Chief Commissioner to refuse to renew a licence or to alter or vary the conditions of a licence	91
43 Circumstances in which the Chief Commissioner may alter or vary conditions on a licence	93
43A Variation of licence for failure to comply with participation condition	93
43B Review of decision as to period of variation	94
44 Review of a decision not to renew a licence	94
45 Disposal of firearms where licence not renewed	95
Division 9—Suspension and cancellation of licences under this Part	96
46 Immediate cancellation of a licence	96
46A Cancellation of licence held by non-resident	96
46B Immediate cancellation under National Domestic Violence Order Scheme Act 2016	97
47 Suspension of a licence and notice of proposal to cancel	97
47A Suspension of licence—certain prohibited persons	98
48 Making of submissions	99
49 Power of Chief Commissioner to cancel licence under this Part	99

<i>Section</i>	<i>Page</i>
49A	Restrictions on application for licence following cancellation 102
49B	Review of decision as to period of disqualification 102
50	Review of decision to cancel a licence 102
51	Notice of Chief Commissioner's decision 103
52	Coming into effect of cancellation 103
52AA	Chief Commissioner to notify approved handgun target shooting club or employer of certain events 103
Division 9A—Surrender and seizure of firearms etc.	105
52A	Power of Chief Commissioner to require the holder of a general category handgun licence to surrender certain handguns for failure to comply with participation condition 105
52B	Power of Chief Commissioner to require the holder of a category 1 or category 2 firearms collectors licence to surrender certain handguns for failure to comply with certain conditions 106
53	Surrender of firearms and licence document 106
53A	Surrender of handguns for failure to comply with participation condition 110
53B	Surrender of handguns where certain conditions of category 1 or category 2 firearms collectors licence not complied with 111
Division 10—Exemptions, permits and provisional licences	112
54	Persons who are exempt from the Part 112
54AA	Health service workers who are exempt from this Part 115
54AB	Exemption of person exercising power under the Education and Training Reform Act 2006 117
54A	Exemptions from certain licence conditions 118
55	Employees of licensed firearms dealers 119
56	Permits to display firearms or ammunition collections 119
56A	Permits to display firearms or ammunition collections—Approved firearms collectors clubs 121
57	Permits to possess, carry or use silencers or prescribed items 123
57A	Permit for holder of handgun security guard licence to possess, carry or use restricted ammunition 124
57B	Permits to assist in emergency or natural disaster 125
58	Permits to carry or use firearms held under a collectors licence 126
58AAA	Permits to carry or use firearms held under a collectors licence—approved firearms collectors clubs 127
58A	Provisional general category handgun licences 129

<i>Section</i>	<i>Page</i>
Part 3—Carrying on the business of dealing in firearms and related items	132
Division 1AA—Definition	132
59AA Definition	132
Division 1—Licensing of firearms dealers	133
59 Offence to carry on business of dealing in firearms	133
59A Offence to manufacture firearms or to possess parts etc. for the purpose of manufacturing firearms	134
60 Issue of dealers licences	135
61 General discretion of Chief Commissioner to refuse a dealers licence	136
62 Review of decision not to issue licence	137
Division 2—General provisions applying to dealers licences	137
63 Application for a dealers licence	137
64 Information required for an application by a natural person for a dealers licence	138
65 Information required for an application by a body corporate for a dealers licence	139
66 28 day waiting period	140
67 Particulars of dealers licences	140
68 Licence conditions for dealers licences	140
69 Variation of dealers licence conditions	141
70 Review of a decision to vary licence conditions	141
71 Duration of licences	141
72 Renewal of dealers licences	141
73 General discretion of Chief Commissioner to refuse to renew a dealers licence	143
74 Review of decision not to renew licence	144
75 Requirement to notify Chief Commissioner of persons employed in business or change of nominated person	144
75A Requirement to notify Chief Commissioner of close associates	145
75B Offence to employ prohibited persons in management of business	146
Division 3—Suspension, cancellation and transfer of dealers licences	146
76 Immediate cancellation of a dealers licence	146
76A Immediate cancellation of a dealers licence under National Domestic Violence Order Scheme Act 2016	146
77 Suspension of a dealers licence and notice of proposal to cancel	147
78 Making of submissions	148
79 Power of Chief Commissioner to cancel a dealers licence	148

Section	Page	
80	Notice of Chief Commissioner's decision	150
81	Coming into effect of cancellation	150
82	Right of appeal against cancellation of licence	150
83	Surrender of firearms and licence document	150
84	Application to carry on business	151
85	Chief Commissioner may transfer authority to conduct business	152
86	Prohibition on any other transfer of licence	152
Division 4—Records to be kept by licensed firearms dealers		152
87	Requirement to keep register of transactions	152
88	Firearms to be labelled with transaction details	156
89	Power to inspect register and stock	156
90	Power to require production of licence	156
Division 5—Display by dealers		157
91	Display of firearms by dealers	157
92	Display Offences	158
Division 6—Permits		158
92A	Permits for theatrical armourers	158
Part 4—Acquisition and disposal of firearms and related items		161
Division 1—Offences relating to the acquisition and disposal of firearms		161
93	Persons from whom a dealer can acquire firearms	161
94	Persons to whom a dealer can dispose of firearms	163
95	Prohibition on acquisition of firearm except from licensed firearms dealer	166
96	Prohibition on disposal of firearm except to licensed firearms dealer	168
97	Fees to be charged by dealers	169
98	Requirement for taking or giving of possession of firearm to be in person	169
99	Control of acquisition from a place outside the State	170
100	Control of disposal to place outside the State	171
100A	Hiring and loaning of firearms by licensed firearms dealers	172
100B	Extension of hire or loan of firearms by licensed firearms dealers	173
101	Prohibitions on advertising	173
101A	Prohibition on the acquisition or disposal of traffickable quantities of firearms	175
101B	Prohibition on providing financial accommodation for the illegal acquisition or disposal of firearms	175
101C	Licensed firearms dealer sending firearms or firearms parts by post to another licensed firearms dealer	176

<i>Section</i>	<i>Page</i>
Division 2—Permit to acquire a firearm	177
102 Offence to acquire a firearm without a permit	177
103 Issue of permit to acquire	180
104 General discretion of Chief Commissioner to refuse to issue a permit to acquire	180
105 Review of decision not to issue permit	183
106 Application for a permit to acquire	183
107 Waiting period for issue of permit	184
108 Form of permit	184
109 Conditions applying to a permit	184
110 Duration of permit	185
111 Cancellation of permit	185
112 Surrender of firearms acquired under cancelled permit	185
Part 4A—Firearm prohibition orders	187
Division 1—Definitions	187
112A Definitions	187
Division 2—Firearm prohibition order offences	187
112B Offence to acquire, possess, carry or use a firearm or firearm related item in contravention of a firearm prohibition order	187
112C Offence as to disposal of a firearm etc. to an individual to whom a firearm prohibition order applies	188
112CA Offence to fail to notify Chief Commissioner of change of address	188
Division 3—Firearm prohibition orders	188
112D Making a firearm prohibition order	188
112E Considerations for making a firearm prohibition order	189
112F Delegation of power to make order	189
112G Form and content of order	191
112H Cancellation of licences and permits	191
112I Service of order	192
112J Duration of order	192
112K Revocation of order	192
Division 4—Reviews as to firearm prohibition orders	193
112L Review of decision to make a firearm prohibition order	193
112M Further right to apply for review of decision to make firearm prohibition order	193
112N Protected information	194
Division 5—Further offences and enforcement	194
112O Offence for individual to whom a firearm prohibition order applies to enter or remain on certain premises	194

<i>Section</i>	<i>Page</i>
112P	Offence to fail to surrender firearms or firearm related items on service of order 195
112Q	Search of premises, vehicles, vessels or aircraft without warrant or consent 195
112R	Search of individual to whom firearm prohibition order applies without warrant or consent 198
112S	Search of an accompanying person without warrant or consent 199
112T	Dealing with firearms or firearm related items surrendered or seized under this Part 200
112U	Certain references to prohibited person to include references to an individual to whom a firearm prohibition order applies 202
Part 5—Registration of firearms	203
113	Keeping of register 203
114	Exemption from Freedom of Information Act 203
115	Notice of bringing into the State 204
116	Notice of removal from the State 204
117	Certificate of registration 205
118	Notice of transactions 206
119	Power of Chief Commissioner to require information 206
119A	Power of Chief Commissioner to require firearm to have a serial number 206
119B	Application to have serial number affixed by a method other than stamping 207
120	Offence not to produce firearm for inspection 208
Part 6—Storage	209
121	Storage of firearms under longarm and handgun licences 209
121A	Permit to store handguns 211
122	Storage of firearms under firearms collectors and firearms heirlooms licences and ammunition under firearms ammunition collectors licence 213
123	Storage of firearms under dealers licences 215
Part 6A—Approved clubs	216
Division 1—Approved handgun target shooting clubs	216
123A	Power of the Chief Commissioner to approve handgun target shooting clubs 216
123B	Approved handgun target shooting clubs—Record keeping requirements 216
123C	Approved handgun target shooting clubs—reporting requirements 218
123D	Approved handgun target shooting clubs—Requirements as to members 219

Section		Page
123E	Approved handgun target shooting clubs—Reports to the Chief Commissioner as to unfit members	222
123F	Approved handgun target shooting clubs—Power to endorse applications for general category handgun licences	222
123G	Approved handgun target shooting clubs—Power to endorse applications for permits to acquire	223
Division 2—Approved firearms collectors clubs		224
123H	Power of the Chief Commissioner to approve firearms collectors clubs	224
123I	Approved firearms collectors clubs—Power to endorse applications for firearms collectors licences	224
123J	Approved firearms collectors clubs—Power to endorse applications for permits to acquire	225
123K	Approved firearms collectors clubs—Reports to the Chief Commissioner as to unfit members	225
123L	Approved firearms collectors clubs—Requirements as to members and former members	226
Division 3—General provisions applying to approvals under this Part		228
123M	Application for an approval under this Part	228
123N	Requirement to nominate officers	228
123O	Review of decision to refuse an approval under this Part	229
123P	Conditions for an approval under this Part	229
123Q	Review of decision to vary the conditions of an approval under this Part	229
123R	Duration of an approval under this Part	229
123S	Renewal of an approval under this Part	230
123T	Power of the Chief Commissioner to renew an approval under this Part	230
123U	Review of a decision not to renew an approval under this Part	230
123V	Power of Chief Commissioner to cancel an approval under this Part	231
123W	Review of decision to cancel an approval under this Part	231
Part 7—Further offences and legal proceedings		232
124AA	Conspiring to commit and aiding the commission of an offence outside Victoria	232
124	Possession of cartridge ammunition	233
125	Disposal of cartridge ammunition to unauthorised persons	233
126	Safekeeping of firearms and cartridge ammunition while being carried or used	234
127	Use of firearm by person other than the possessor	235
127A	Offence to use firearms held under a firearms collectors licence	237

<i>Section</i>	<i>Page</i>
128	Offence to damage property with a firearm 237
129	Offence to use a firearm in a dangerous manner 237
129A	Offence for unlicensed person to store in an insecure manner 238
130	Offences as to possession, carriage and use of firearms in certain places 238
131	Offence to possess, carry or use a firearm on private property without consent 241
131A	Offence to discharge firearm at a premises or vehicle 243
132	Offences about the carriage and the use of firearms 245
133	Disposal of a firearm to person who is intoxicated 245
134	Certain offences as to firearms, firearm parts, silencers and prescribed items 245
134A	Requirement to obtain consent of Chief Commissioner to certain alterations of firearms 246
134AB	Offence to possess or carry certain parts without the consent of the Chief Commissioner 247
134B	Requirement to notify Chief Commissioner of certain alterations to firearms 247
134C	Offence to possess a firearm with no serial number 247
135	Offence to own a firearm without a licence to possess 248
136	Disposal of firearms to minors 249
137	Alteration of documents 249
138	False entries 249
139	Notification of change of certain details 249
140	Requirement to notify Chief Commissioner of loss etc. 250
140A	Making false or misleading statements or using false or misleading information 250
141	Statements of the Chief Commissioner as evidence 251
142	Liability of officers of body corporate or nominated persons for offences committed by the body corporate 251
143	How to determine state of mind of a body corporate 252
144	Liability of body corporate or licence holder for acts of directors, employees or agents 252
145	Firearms found on premises or vehicle 252
Part 8—Further enforcement powers	254
146	Warrants to search premises 254
147	Announcement before entry 255
148	Copy of warrant to be given to occupier or person in charge of vehicle 256
149	Search of persons or vehicles 257
149A	Duty to make records concerning searches 259
150	Power to require production of licence 260
151	Powers of court to order forfeiture of firearms, cartridge ammunition, silencers or prescribed items 260
152	Disposal of forfeited firearms 261

<i>Section</i>	<i>Page</i>
153	Power of court to make an order with respect to the disposal of a firearm, cartridge ammunition, silencer or prescribed item
153A	Powers that may be exercised by authorised officers appointed under other Acts
153B	Duty to make records concerning searches
153C	Annual reports
Part 9—Firearms Appeals Committee	268
Division 1—Establishment of Committee	268
154	Establishment of Committee
155	Membership of the Committee
156	Terms of office
157	Resignation and removal
158	Chairperson
159	Acting member
160	Payment of members
161	Procedure of the Committee
162	Effect of vacancy or defect
Division 2—Review of decisions of the Chief Commissioner	272
163	Power of committee to sit in divisions
164	Decision of a Division
165	Change in composition of a Division
166	Procedure of Division
167	How to commence a proceeding
Part 10—Infringement notices	276
168	Power to serve a notice
170	Penalties to be paid for offences under infringement notices
Part 10A—Firearm prohibition orders, reporting and the IBAC	277
Division 1—Definitions	277
171	Definitions
Division 2—Annual reporting obligations	278
172	Information to be included in annual reports
Division 3—Monitoring the administration of Part 4A and this Part	279
173	IBAC to monitor exercise of powers etc. under Part 4A and this Part
174	Reports to the Minister on monitoring
174A	Request for action after monitoring

<i>Section</i>	<i>Page</i>
Division 4—IBAC Ministerial report	280
174B IBAC Ministerial report	280
174C Timing of IBAC Ministerial report	281
174D Tabling IBAC Ministerial reports	281
Division 5—Reporting on the issue of firearm prohibition orders	282
174E Chief Commissioner report on issued firearm prohibition orders	282
174F The IBAC review of the issue of firearm prohibition orders	283
174G Preliminary processes	283
174H Conduct of review	283
174I The IBAC may request that certain action be taken	284
Division 6—General	284
174J Non-production of documents and other things in applicable proceeding, process or action	284
174K Exemption from Freedom of Information Act 1982	285
174L Disclosure of information by Chief Commissioner under this Part	285
174M Powers of entry and inspection	285
174N IBAC to be given reasonable assistance	286
174O Chief Commissioner to keep records	287
Part 11—General	288
175 Service of notices	288
176 Power of delegation	288
176A Annual Report of Chief Commissioner	289
177 Duplicate licences	289
178 Application for duplicate licence	289
179 Power of Chief Commissioner to make approvals	290
179A Approved handgun target shooting matches	290
180 Deceased estates	290
181 Disclosure of information	291
181A Requirement for Chief Commissioner to disclose certain information to certain approved clubs	293
182 Appeals from decisions of Committee	294
182A Time period for making application for review to VCAT	295
183 Immunity from liability	295
184 Exemptions for museums	297
185 Interstate licence holders—temporary visitors	298
186 Temporary visitor permit	301
186A Interstate temporary visitor permits	302
187 Interstate licence holders—permanent residents	302
188 Power to approve schemes of compensation	304
189 Application to be deemed not to be a prohibited person	304
189A Indictable offences	307

<i>Section</i>	<i>Page</i>
190	Supreme Court—Limitation of jurisdiction
191	Regulations
Part 12—Transitional provisions	312
192	Definitions
193	Repeal of Firearms Act 1958
194	References
195	Licences authorities permits and schemes
196	Right to apply to court under section 189 before commencement of part of Act
197	Appeals and rights to appeal
198	Sunset on licences and permits issued under repealed provisions
199	Declarations
200	Prison officers
200A	Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—dealers licences
200B	Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—handgun licences
200C	Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—applications for handgun licences
200D	Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—firearms collectors licences
209	Transitional provisions—Control of Weapons and Firearms Acts (Search Powers) Act 2003
210	Transitional provision—handgun security guard licence
211	Transitional provisions—Firearms Amendment Act 2007
212	Transitional provision—Justice Legislation Amendment Act 2008
213	Transitional provisions—Family Violence Protection Act 2008
214	Transitional Provisions—Stalking Intervention Orders Act 2008
215	Transitional provision—Firearms and Other Acts Amendment Act 2010—interstate licence holders
216	Transitional provision—Firearms and Other Acts Amendment Act 2010—imitation firearms
217	Transitional provision—Firearms Amendment Act 2018— trafficking
218	Transitional provision—Firearms Amendment Act 2018— possession, carriage and use of firearms in certain places
219	Transitional provision—Firearms Amendment Act 2018— applications for licences
220	Transitional provision—Firearms Amendment Act 2018— suspended licences

<i>Section</i>	<i>Page</i>
221 Transitional provision—Justice Legislation Amendment (Police and Other Matters) Act 2019—lever action shotguns	332
222 Transitional provision—Justice Legislation Amendment (Police and Other Matters) Act 2019—trafficking	334
Schedules	335
Schedule 1—General conditions for licences under Part 2	335
Schedule 2—Special conditions for licences under Part 2	336
Schedule 3—Non-prohibited persons who are exempt from requirement to hold a licence under Part 2	348
Schedule 4—Storage requirements	352
Endnotes	358
1 General information	358
2 Table of Amendments	360
3 Explanatory details	369

Authorised Version No. 097

Firearms Act 1996

No. 66 of 1996

Authorised Version incorporating amendments as at
30 August 2022

The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purpose

The purposes of this Act are—

- (a) to give effect to the principle that the possession, carriage, use, acquisition and disposal of firearms are conditional on the need to ensure public safety and peace by—
 - (i) establishing a system of licensing and regulating the possession, carriage and use of firearms and related items which does not allow for self defence to be used as a reason for obtaining a licence to possess, carry or use a firearm; and
 - (ii) establishing a system of licensing and regulating the carrying on of the business of dealing in firearms; and
 - (iii) establishing a system of permitting and regulating the acquisition and disposal of firearms and related items; and
 - (iv) establishing a system of registering firearms; and
 - (v) establishing requirements for the secure storage and carriage of firearms; and

S. 1(a)(viiia)
inserted by
No. 2/2018
s. 4.

- (vi) establishing a Firearms Appeals Committee to hear applications for review of decisions of the Chief Commissioner under the Act; and
- (vii) making provision for the education of the community in the safe and responsible use of firearms; and
- (viiia) providing for strict control on the possession, carriage, use, acquisition, disposal and storage of firearms; and
- (viii) making other related provisions; and
- (b) to repeal the **Firearms Act 1958**; and
- (c) to make various consequential amendments to other Acts.

2 Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 31 January 1998, it comes into operation on that day.

3 Definitions

- (1) In this Act—

S. 3(1) def. of
acquire
amended by
No. 22/1998
s. 4(a),
substituted by
No. 28/2003
s. 3(1)(a).

acquire, in relation to any thing, includes buying or coming into possession of the thing (whether the thing is in Victoria or elsewhere) but does not include borrowing the thing;

airgun includes air rifle;

S. 3(1) def. of
airgun
inserted by
No. 28/2007
s. 3(Sch.
item 26.2).

antique handgun means a handgun—

- (a) that was manufactured before 1 January 1900; and
- (b) that uses percussion as a means of ignition; and
- (c) that does not take commercially available cartridge ammunition;

S. 3(1) def. of
antique handgun
inserted by
No. 78/2005
s. 3(1)(a),
substituted by
No. 50/2007
s. 3(1)(b).

antique handgun collectors licence means a licence issued under section 21B;

S. 3(1) def. of
antique handgun collectors licence
inserted by
No. 78/2005
s. 3(1)(a).

approved club means a club approved by the Chief Commissioner under section 10(3);

S. 3(1) def. of
approved club
amended by
No. 28/2003
s. 3(1)(d).

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

S. 3(1) def. of
approved firearms collectors club
inserted by
No. 28/2003
s. 3(1)(c).

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

S. 3(1) def. of
approved handgun target shooting club
inserted by
No. 28/2003
s. 3(1)(c).

S. 3(1) def. of
*approved
handgun
target
shooting
match*
inserted by
No. 28/2003
s. 3(1)(c),
substituted by
Nos 78/2005
s. 3(1)(b),
52/2010
s. 3(1)(a),
amended by
No. 12/2012
s. 7(1).

approved handgun target shooting match

means—

- (a) a competitive target shooting match approved by the Chief Commissioner that is conducted by an approved handgun target shooting club at an approved shooting range; or
- (b) a handgun target shooting match conducted in another State or a Territory or a place outside Australia that is recognised by the Chief Commissioner under section 16(12)(a) to be an approved handgun target shooting match;

approved shooting range means a shooting range approved by the Chief Commissioner under section 179;

S. 3(1) def. of
*armed guard
activity*
inserted by
No. 50/2007
s. 3(1)(a).

armed guard activity means the activity, performed by a person acting as a security guard, of protecting, watching or guarding any property while being in possession of a firearm;

S. 3(1) def. of
airgun
amended by
No. 78/2005
s. 3(1)(c),
repealed by
No. 28/2007
s. 3(Sch.
item 26.1).

* * * *

S. 3(1) def. of
*black powder
handgun*
inserted by
No. 78/2005
s. 3(1)(a).

black powder handgun means a handgun that—

- (a) uses black powder to propel a projectile; and
- (b) is not capable of being loaded with or discharging breech-loaded metallic cartridges;

carry in relation to a firearm, includes the carriage of that firearm either as a whole or in parts and either by one person or more than one person;

cartridge ammunition means ammunition having a bullet or other projectile and a priming device fixed to or enclosed in a cartridge case which is composed wholly or partly of material other than paper;

S. 3(1) def. of *cartridge ammunition* inserted by No. 22/1998 s. 4(g).

cash-in-transit activity means the activity, performed by a person acting as a security guard, of collecting, transferring or delivering cash or other valuables;

S. 3(1) def. of *cash-in-transit activity* inserted by No. 50/2007 s. 3(1)(a).

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

S. 3(1) def. of *category 1 firearms collectors licence* inserted by No. 28/2003 s. 3(1)(c).

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

S. 3(1) def. of *category 2 firearms collectors licence* inserted by No. 28/2003 s. 3(1)(c).

category A longarm means any of the following—

S. 3(1) def. of *category A longarm* amended by No. 3/2019 s. 38(a).

- (a) an airgun;
- (b) a rimfire rifle (other than a semi-automatic rimfire rifle);
- (c) a shotgun (other than a lever action, pump action or semi-automatic shotgun);
- (d) any combination of a shotgun and rimfire rifle;

S. 3(1) def. of
*category B
longarm*
amended by
Nos 22/1998
s. 4(b), 3/2019
s. 38(b).

category B longarm means any of the
following—

- (a) a muzzle loading firearm;
- (b) a centre fire rifle (other than an automatic or a semi-automatic centre fire rifle);
- (c) any combination of a shotgun and centre fire rifle;
- (d) a black powder, ball firing cannon;
- (e) a lever action shotgun with a magazine capacity of no more than 5 rounds;

category C longarm means any of the
following—

- (a) a semi-automatic rimfire rifle with a magazine capacity of no more than 10 rounds;
- (b) a semi-automatic shotgun with a magazine capacity of no more than 5 rounds;
- (c) a pump action shotgun with a magazine capacity of no more than 5 rounds;
- (d) a tranquilliser gun;

S. 3(1) def. of
*category D
longarm*
amended by
Nos 50/2007
s. 3(1)(c),
21/2008
s. 7(a), 3/2019
s. 38(c).

category D longarm means any of the
following—

- (a) a semi-automatic rimfire rifle with a magazine capacity of more than 10 rounds;
- (b) a semi-automatic shotgun with a magazine capacity of more than 5 rounds;
- (ba) a lever action shotgun with a magazine capacity of more than 5 rounds;

- (c) a pump action shotgun with a magazine capacity of more than 5 rounds;
- (d) a semi-automatic centre fire rifle;
- (e) any other firearm prescribed for the purposes of this category;
- (f) any other firearm that is declared under section 3A(1) to be a category D longarm;
- (g) any other firearm that is declared under section 3B(1)(a) to be a category D longarm;

category E handgun means any of the following—

- (a) a machine gun that is a handgun;
- (b) any handgun prescribed for the purposes of this category;
- (c) any other firearm that is declared under section 3A(1) to be a category E handgun;

S. 3(1) def. of *category E handgun* inserted by No. 28/2003 s. 3(1)(c), amended by No. 50/2007 s. 3(1)(d).

category E longarm means any of the following—

- (a) a machine gun that is a longarm;
- (b) a tear gas gun or projector;
- (c) a shotgun or rifle with a length of less than 75 centimetres measured parallel to the barrel;
- (d) a mortar, bazooka, rocket propelled grenade or similar large calibre military firearm designed to fire an explosive or projectile or any other similar prescribed firearm;
- (da) a cannon which is not a black powder ball firing cannon;

S. 3(1) def. of *category E longarm* amended by Nos 22/1998 s. 4(c), 28/2003 s. 3(1)(e), 50/2007 s. 3(1)(e), 21/2008 s. 7(b).

- (e) any other firearm prescribed for the purposes of this category;
- (f) any other firearm that is declared under section 3A(1) to be a category E longarm;
- (g) any other firearm that is declared under section 3B(1)(b) to be a category E longarm;

S. 3(1) def. of
Chief Commissioner
amended by
No. 37/2014
s. 10(Sch.
item 63.1(b)).

Chief Commissioner means the Chief Commissioner of Police appointed under the **Victoria Police Act 2013**;

S. 3(1) def. of
close associate
inserted by
No. 28/2003
s. 3(1)(c).

close associate, in relation to the holder of a dealers licence, means a person—

- (a) who is able to exercise a significant influence over or with respect to the conduct of the business conducted under the dealers licence because that person—
 - (i) holds an interest in the capital or assets of that business or is entitled to receive any income derived from that business (whether the entitlement arises at law or in equity or otherwise); or
 - (ii) holds any power (whether exercisable by voting or otherwise and whether exercisable alone or in association with others) to participate in any managerial or executive decision in that business or to appoint any person to a position of management in that business (whether in the capacity

of director, manager or secretary
or in any other capacity); or

- (b) who participates in the management of
the business conducted under the
licence (whether in the capacity of
director, manager or secretary or in any
other capacity)—

and, in relation to an applicant for a dealers
licence, means any person who would, if a
licence were issued to the applicant, be a
person to whom paragraph (a) or (b) would
apply;

Committee means the Firearms Appeals
Committee established under Part 9;

dealers licence means a firearms dealers licence
issued under section 60;

declared organisation member has the same
meaning as it has in the **Criminal
Organisations Control Act 2012**;

S. 3(1) def. of
*declared
organisation
member*
inserted by
No. 55/2014
s. 87(2).

Department has the same meaning as in the
Public Administration Act 2004;

S. 3(1) def. of
Department
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 78.1(a)).

Department Head has the same meaning as in the
Public Administration Act 2004;

S. 3(1) def. of
*Department
Head*
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 78.1(b)).

S. 3(1) def. of
*Director,
Police
Integrity*
inserted by
No. 34/2008
s. 143(Sch. 2
item 7.1),
repealed by
No. 82/2012
s. 94(1).

* * * * *

S. 3(1) def. of
dispose of
substituted by
No. 28/2003
s. 3(1)(b).

dispose of, in relation to any thing, includes—

- (a) selling the thing;
- (b) offering to sell the thing;
- (c) having the thing in possession for the purposes of sale, barter or exchange—

(whether or not the thing is to remain in Victoria) but does not include lending the thing;

S. 3(1) def. of
*domestic
partner*
inserted by
No. 72/2001
s. 3(Sch.
item 8.1),
substituted by
No. 12/2008
s. 73(1)(Sch. 1
item 23.1).

domestic partner of a person means—

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—

- (i) for fee or reward; or
- (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

drug has the same meaning as in the **Road Safety Act 1986**;

final interstate DVO means an interstate DVO that is a final order, within the meaning of the **National Domestic Violence Order Scheme Act 2016**;

S. 3(1) def. of *final interstate DVO* inserted by No. 53/2016 s. 96(a).

final recognised DVO means a non-local DVO—

S. 3(1) def. of *final recognised DVO* inserted by No. 53/2016 s. 96(a).

- (a) that is a recognised DVO; and
- (b) that is a final order, within the meaning of the **National Domestic Violence Order Scheme Act 2016**;

firearm means any device, whether or not assembled or in parts—

S. 3(1) def. of *firearm* amended by Nos 22/1998 s. 4(d), 28/2003 s. 3(1)(f), 50/2007 s. 3(1)(f), 52/2010 s. 3(1)(c), 12/2012 s. 7(2), 44/2021 s. 8.

- (a) which is designed or adapted, or is capable of being modified, to discharge shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means; and

(b) whether or not operable or complete or temporarily or permanently inoperable or incomplete—

and which is not—

(c) an industrial tool powered by cartridges containing gunpowder or compressed air or other gases which is designed and intended for use for fixing fasteners or plugs or for similar purposes; or

(d) a captive bolt humane killer; or

(e) a spear gun designed for underwater use; or

(f) a device designed for the discharge of signal flares; or

* * * * *

(h) a device commonly known as a kiln gun or ringblaster, designed specifically for knocking out or down solid material in kilns, furnaces or cement silos; or

(i) a device commonly known as a line thrower designed for establishing lines between structures or natural features and powered by compressed air or other compressed gases and used for rescue purposes, rescue training or rescue demonstration; or

(j) a device of a prescribed class;

firearms ammunition collectors licence means a firearms ammunition collectors licence issued under section 28;

firearms collectors licence means a firearms collectors licence issued under section 21, 21A or 21B;

S. 3(1) def. of *firearms collectors licence* amended by Nos 28/2003 s. 3(1)(h), 78/2005 s. 3(1)(d).

firearms heirlooms licence means a firearms heirlooms licence issued under section 25;

* * * * *

S. 3(1) def. of *fixed ammunition* repealed by No. 22/1998 s. 4(e).

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

S. 3(1) def. of *general category handgun* inserted by No. 28/2003 s. 3(1)(c).

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

S. 3(1) def. of *general category handgun licence* inserted by No. 28/2003 s. 3(1)(c).

handgun means a firearm that—

- (a) is reasonably capable of being carried or concealed about the person; or
- (b) is reasonably capable of being raised and fired by one hand; or
- (c) does not exceed 65 centimetres in length measured parallel to the barrel;

handgun licence means a licence issued under section 15 or section 16A;

S. 3(1) def. of *handgun licence* amended by No. 28/2003 s. 3(1)(g).

S. 3(1) def. of
*handgun
security guard
licence*
inserted by
No. 78/2005
s. 3(1)(a).

handgun security guard licence means a handgun
licence issued under section 15(1)(a) for the
occupation of security guard;

S. 3(1) def. of
*handgun
target shoot*
inserted by
No. 78/2005
s. 3(1)(a).

handgun target shoot means a handgun target
shoot that complies with section 16(8);

S. 3(1) def. of
*handgun
target
shooting
licence*
inserted by
No. 78/2005
s. 3(1)(a).

handgun target shooting licence means a
handgun licence issued under
section 15(1)(b) for target shooting;

S. 3(1) def. of
IBAC
inserted by
No. 82/2012
s. 94(2).

IBAC has the same meaning as it has in the
**Independent Broad-based Anti-corruption
Commission Act 2011;**

S. 3(1) def. of
IBAC Officer
inserted by
No. 2/2018
s. 5(1).

IBAC Officer has the same meaning as in the
**Independent Broad-based Anti-corruption
Commission Act 2011;**

S. 3(1) def. of
*infringement
penalty*
repealed by
No. 32/2006
s. 94(Sch.
item 20(1)).

* * * * *

S. 3(1) def. of
*inter-State
licence*
inserted by
No. 22/1998
s. 4(g).

inter-State licence means a licence (however
described) to possess, carry or use a firearm
issued in a prescribed State or a prescribed
Territory which corresponds with a licence
issued under Part 2;

inter-State permit to acquire means a permit (however described) to acquire a firearm issued in a prescribed State or a prescribed Territory which corresponds with a permit to acquire;

S. 3(1) def. of *inter-State permit to acquire* inserted by No. 84/1997 s. 42(a).

interstate DVO means an interstate DVO within the meaning of the **National Domestic Violence Order Scheme Act 2016**;

S. 3(1) def. of *interstate DVO* inserted by No. 53/2016 s. 96(a).

junior handgun target shooting licence means a junior licence issued for the purposes of receiving instruction in the use of handguns or engaging in sport or target shooting competitions;

S. 3(1) def. of *junior handgun target shooting licence* inserted by No. 78/2005 s. 3(1)(a).

junior licence means a licence issued under section 18;

known information in relation to a close associate, means any records about the close associate kept by or on behalf of—

S. 3(1) def. of *known information* inserted by No. 28/2003 s. 3(1)(c).

- (a) the Chief Commissioner; or
- (b) any person holding a position equivalent to that of the Chief Commissioner in the Commonwealth or in any other State or Territory of the Commonwealth or in any other country;

licensed firearms dealer means a person who is the holder of a dealers licence;

licensed premises in relation to dealers licence, means the premises specified in dealers licence;

longarm means any firearm other than a handgun;

longarm licence means a licence issued under section 9;

machine gun means a firearm which can fire more than one projectile with a single pressure of the trigger or other like appliance;

S. 3(1) def. of *member of staff of the Office of Police Integrity* inserted by No. 34/2008 s. 143(Sch. 2 item 7.1), repealed by No. 82/2012 s. 94(1).

* * * *

S. 3(1) def. of *member of the police force* repealed by No. 37/2014 s. 10(Sch. item 63.1(c)).

* * * *

S. 3(1) def. of *midwife* inserted by No. 13/2010 s. 51(Sch. item 23.3).

midwife means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a midwife (other than as a student); and
- (b) in the register of midwives kept for that profession;

S. 3(1) def. of *nominated officer* inserted by No. 28/2003 s. 3(1)(c).

nominated officer means a person nominated under section 123N;

nominated person means any person nominated in an application for a licence under Part 2 or Part 3 or any person nominated in the

place of that person during the course of the licence, notice of whose nomination has been given to the Chief Commissioner;

non-local DVO means a non-local DVO within the meaning of the **National Domestic Violence Order Scheme Act 2016**;

S. 3(1) def. of *non-local DVO* inserted by No. 53/2016 s. 96(a).

non-prohibited person means a person who is not a prohibited person;

nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a midwife or as a student);

S. 3(1) def. of *nurse* inserted by No. 13/2010 s. 51(Sch. item 23.3).

officer—

S. 3(1) def. of *officer* amended by Nos 44/2001 s. 3(Sch. item 45), 21/2008 s. 12.

- (a) in relation to a body corporate which is a corporation within the meaning of the Corporations Act, has the same meaning as in section 9 of that Act; and
- (b) in relation to a body corporate which is not a corporation within the meaning of that Act, means any person (by whatever name called) who is concerned in or takes part in the management of the body corporate—

but does not include an employee of the body corporate;

paintball means a projectile that primarily consists of a dye or similar substance designed to mark a person or object;

S. 3(1) def. of *paintball* inserted by No. 78/2005 s. 3(1)(a).

paintball marker means a firearm that is designed to discharge a paintball;

S. 3(1) def. of *paintball marker* inserted by No. 78/2005 s. 3(1)(a).

S. 3(1) def. of
*paintball
marker
licence*
inserted by
No. 78/2005
s. 3(1)(a).

paintball marker licence means a licence issued
under section 9(6);

S. 3(1) def. of
percussion
inserted by
No. 78/2005
s. 3(1)(a).

percussion means a means of ignition in a firearm
in which metallic chemical compounds or
fulminates are used to ignite the main
powder charge;

permit to acquire means a permit issued under
section 103;

S. 3(1) def. of
pest animal
inserted by
No. 22/1998
s. 4(g).

pest animal has the same meaning as in the
Catchment and Land Protection Act 1994;

S. 3(1) def. of
pest animal
repealed by
No. 30/1999
s. 32(a).

* * * * *

S. 3(1) def. of
police officer
inserted by
No. 37/2014
s. 10(Sch.
item 63.1(a)).

police officer has the same meaning as in the
Victoria Police Act 2013;

possession in relation to a firearm, includes—

- (a) actual physical possession of the
firearm; or
- (b) custody or control of the firearm; or
- (c) having and exercising access to the
firearm, either solely or in common
with others;

<i>premises</i> means any place, whether built on or not and whether enclosed or not, and includes any building or structure on the place;	S. 3(1) def. of <i>premises</i> inserted by No. 2/2018 s. 5(1).
<i>prescribed State</i> means a State which has been prescribed for the purposes of the definition of inter-State permit to acquire;	S. 3(1) def. of <i>prescribed State</i> inserted by No. 84/1997 s. 42(a).
<i>prescribed Territory</i> means a Territory which has been prescribed for the purposes of the definition of inter-State permit to acquire;	S. 3(1) def. of <i>prescribed Territory</i> inserted by No. 84/1997 s. 42(a).
<i>private security business</i> means a business that is carried on by the holder of a private security business licence under Part 3 of the Private Security Act 2004 ;	S. 3(1) def. of <i>private security business</i> inserted by No. 50/2007 s. 3(1)(a).

S. 3(1) def. of
*prohibited
person*
amended by
Nos 84/1997
s. 42(b),
22/1998 s. 4(f),
30/1999 s. 30,
28/2003
s. 3(1)(i),
50/2007
s. 3(1)(g),
52/2008 s. 245,
68/2008 s. 70,
53/2010
s. 221(Sch.
item 5.1),
65/2011
s. 107(Sch.
items 6.1, 6.2)
(as amended
by
No. 43/2012
s. 3(Sch.
item 47.4)),
55/2014
s. 87(1),
55/2014 s. 147,
53/2016
s. 96(b),
27/2018
s. 359(1).

prohibited person means—

- (a) a person who is serving a term of imprisonment for—
 - (i) an indictable offence; or
 - (ii) an assault; or
 - (iii) an offence under the **Drugs, Poisons and Controlled Substances Act 1981**; or
 - (iiia) an offence under the **Control of Weapons Act 1990**—or, in relation to a person—
 - (iv) not more than 15 years have expired since the person finished serving a term of imprisonment of 5 years or more for such an offence; or
 - (v) not more than 5 years have expired since the person finished serving a term of imprisonment of less than 5 years for such an offence; or
- (b) a person who is serving a term of imprisonment in another State or a Territory for an offence of a corresponding nature to an offence listed in paragraph (a) or in relation to a person—
 - (i) not more than 15 years have expired since the person finished serving a term of imprisonment in another State or a Territory of 5 years or more for such an offence; or

- (ii) or not more than 5 years have expired since that person finished serving a term of imprisonment in another State or a Territory of less than 5 years for such an offence; or
- (ba) a person—
 - (i) who is serving a term of imprisonment for an offence under section 321 or 321A of the **Crimes Act 1958**; or
 - (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment for an offence specified in subparagraph (i); or
- (bb) a person—
 - (i) who is serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence of a corresponding nature to an offence specified in paragraph (ba)(i); or
 - (ii) in relation to whom, not more than 10 years have expired since the person finished serving a term of imprisonment in another State or a Territory of the Commonwealth for an offence specified in paragraph (ba)(i); or
- (c) a person who is subject to—
 - (i) a final order under the **Family Violence Protection Act 2008**, a final interstate DVO or a final recognised DVO that does not include conditions cancelling or

revoking a licence, permit or authority under this Act or, in the case of a DVO, a corresponding law of the jurisdiction in which the DVO was made; or

- (ia) a final order under the **Family Violence Protection Act 2008**, a final interstate DVO or a final recognised DVO that does include conditions cancelling or revoking a licence, permit or authority under this Act or, in the case of a DVO, a corresponding law of the jurisdiction in which the DVO was made; or
- (ib) a final order under the **Personal Safety Intervention Orders Act 2010** that does not cancel or suspend a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
- (ic) a final order under the **Personal Safety Intervention Orders Act 2010** that does cancel or suspend a licence, permit or authority under this Act, or an order of a corresponding nature made in another State or a Territory; or
- (ii) an old community-based order, within the meaning of clause 1 of Schedule 3 to the **Sentencing Act 1991**; or

- (iia) a community correction order, within the meaning of the **Sentencing Act 1991**, that has a supervision condition attached under section 48E of the **Sentencing Act 1991**; or
- (iii) a supervision order under section 26 or 38ZH of the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**—

or, in relation to a person, not more than 5 years have expired since the person was subject to such an order; or

- (ca) a declared individual within the meaning of the **Criminal Organisations Control Act 2012**; or
- (cb) a person to whom a control order (within the meaning of the **Criminal Organisations Control Act 2012**) applies; or
- (cc) a person who is subject to a supervision order or an interim supervision order under the **Serious Offenders Act 2018** that—
 - (i) suspends, cancels or revokes a licence, permit or authority under this Act; or
 - (ii) does not suspend, cancel or revoke a licence, permit or authority under this Act;
- (d) a person, in relation to whom, not more than 12 months have expired since that person was found guilty by a court, whether in Victoria or in another State or a Territory, of—

- (i) an offence against this Act, in relation to which it was open to the court to impose a term of imprisonment; or
- (ii) an offence against any other Act involving the possession or use of firearms and in relation to which it was open to the court to impose a term of imprisonment; or
- (iii) an indictable offence—
and who is not, by virtue of the operation of any other paragraph of this definition, a prohibited person; or
- (e) any person who is of a prescribed class of persons;

* * * * *

S. 3(1) def. of *protective services officer* substituted by No. 37/2014 s. 10(Sch. item 63.1(d)).

protective services officer has the same meaning as in the **Victoria Police Act 2013**;

S. 3(1) def. of *provisional general category handgun licence* inserted by No. 78/2005 s. 3(1)(a).

provisional general category handgun licence means a provisional licence issued under section 58A;

S. 3(1) def. of *public place* inserted by No. 25/2009 s. 8(b).

public place has the same meaning as it has in section 3 of the **Summary Offences Act 1966**;

pump action shotgun means a shotgun which is, or has been at any time, constructed with an action which includes a moveable forearm or fore-end which is manually activated by a motion parallel to the barrel by the person using the gun;

recognised DVO means a recognised DVO within the meaning of the **National Domestic Violence Order Scheme Act 2016**;

S. 3(1) def. of *recognised DVO* inserted by No. 53/2016 s. 96(a).

registered means registered under Part 5;

S. 3(1) def. of *registered* inserted by No. 28/2003 s. 3(1)(c).

registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

S. 3(1) def. of *registered medical practitioner* substituted by Nos 97/2005 s. 182(Sch. 4 item 20(a)), 13/2010 s. 51(Sch. item 23.1(a)).

* * * * *

S. 3(1) def. of *registered nurse* substituted by No. 97/2005 s. 182(Sch. 4 item 20(b)), repealed by No. 13/2010 s. 51(Sch. item 23.2).

S. 3(1) def. of
*registered
psychologist*
substituted by
No. 41/2000
s. 102(Sch.
item 4),
amended by
No. 97/2005
s. 182(Sch. 4
item 20(c)),
substituted by
No. 13/2010
s. 51(Sch.
item 23.1(b)).

registered psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student);

responsible person means—

- (a) in the case of a body corporate, any officer of the body corporate or the person nominated in an application for a licence by a body corporate under Part 2 or 3; or
- (b) in the case of a Department—
 - (i) the person authorised by the Department Head to make an application for a licence under Part 2; or
 - (ii) the person nominated in an application for a licence on behalf of a Department under Part 2;

S. 3(1) def. of
*restricted
ammunition*
inserted by
No. 78/2005
s. 3(1)(a).

restricted ammunition, in relation to a handgun, means any ammunition for use in the handgun that—

- (a) is not factory manufactured; or
- (b) is not recommended by the manufacturer of the handgun as being appropriate for that handgun; or
- (c) is a magnum load or a full metal case projectile;

semi-automatic when used to describe a rifle or shotgun, means a rifle or shotgun which is constructed or has been, at any time, constructed so that—

- (a) each bullet or missile is discharged by a separate application of pressure to the trigger; and
- (b) the energy of the discharge is used as part of the reloading cycle of the rifle or shotgun (as the case may be);

senior IBAC Officer has the same meaning as it has in the **Independent Broad-based Anti-corruption Commission Act 2011**;

S. 3(1) def. of *senior IBAC Officer* inserted by No. 82/2012 s. 94(2).

serial number, of a firearm, means a number that enables the firearm to be individually identified that has been—

S. 3(1) def. of *serial number* inserted by No. 52/2010 s. 3(1)(b).

- (a) assigned to the firearm by its manufacturer; or
- (b) stamped or otherwise affixed to the firearm in accordance with section 119A or 119B;

shooting gallery means any room, gallery, saloon, land or premises used with the permission of a Council (within the meaning of the **Local Government Act 2020**) for the purpose of practising shooting with airguns, other than paintball markers, whether on payment or otherwise;

S. 3(1) def. of *shooting gallery* amended by Nos 2/2018 s. 5(2), 9/2020 s. 390(Sch. 1 item 41).

silencer means any instrument or thing by means of which the sound caused by the discharge of a firearm is rendered less audible, whether the instrument or thing forms part of the firearm or is or can be affixed or attached to the firearm;

S. 3(1) def. of
*single shot
antique
handgun*
inserted by
No. 78/2005
s. 3(1)(a).

single shot antique handgun means an antique handgun that is a black powder handgun that is capable of firing one shot only before requiring reloading;

S. 3(1) def. of
spouse
inserted by
No. 72/2001
s. 3(Sch.
item 8.1).

spouse of a person means a person to whom the person is married;

S. 3(1) def. of
*term of
imprisonment*
amended by
Nos 48/2006
s. 42(Sch.
item 14),
25/2009
s. 8(a),
65/2011
s. 107(Sch.
item 6.3).

term of imprisonment includes—

- (a) a term that is suspended wholly or partly; and
- (b) any term of imprisonment that is served by way of intensive correction in the community within the meaning of the **Sentencing Act 1991** as in force before the commencement of section 15 of the **Sentencing Amendment (Community Correction Reform) Act 2011**; and
- (c) any period during which a person has been released on parole under the **Corrections Act 1986**; and
- (d) any period of detention in a youth justice centre;

S. 3(1) def. of
vehicle
inserted by
No. 25/2009
s. 8(b),
amended by
No. 52/2010
s. 3(1)(d).

vehicle includes motor vehicle, aircraft and vessel;

S. 3(1) def. of
*Victoria Police
employee*
inserted by
No. 37/2014
s. 10(Sch.
item 63.1(a)).

Victoria Police employee has the same meaning as in the **Victoria Police Act 2013**;

work purposes in Victoria, in relation to the requirement to hold a firearm licence, means that the applicant or the holder of the licence, as the case may be—

S. 3(1) def. of *work purposes in Victoria* inserted by No. 52/2010 s. 3(1)(b).

- (a) is required under a contract of employment or a contract for services to hold a Victorian firearm licence; or
- (b) in the normal course of conducting a business is required to hold a Victorian firearm licence.

(1A) For the purposes of the definition of ***domestic partner*** in subsection (1)—

S. 3(1A) inserted by No. 72/2001 s. 3(Sch. item 8.2), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 23.2).

- (a) ***registered relationship*** has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
- (c) a person is not a domestic partner of another person only because they are co-tenants.

* * * * *

S. 3(2) amended by No. 50/2007 s. 3(2), repealed by No. 52/2010 s. 3(2).

(3) For the purposes of this Act, in determining whether a particular offence is a first offence, any other offence in respect of which a conviction was recorded or a finding of guilt was made 10 years

S. 3(3) inserted by No. 28/2003 s. 3(2).

or more before the commission of the particular offence, is to be disregarded.

S. 3(4)
inserted by
No. 28/2003
s. 3(2).

- (4) This Act does not apply to a firearm that was manufactured before 1900, if—
- (a) in the case of any such firearm that is a longarm—
 - (i) it does not take cartridge ammunition; or
 - (ii) if it does take cartridge ammunition, the cartridge ammunition that it takes is not commercially available; or
 - (b) the firearm—
 - (i) is not a handgun of a type that uses percussion, or methods developed during or after the development of percussion, as a means of ignition; or
 - (ii) is a single shot antique handgun.

S. 3(4)(b)
amended by
No. 78/2005
s. 3(2),
substituted by
No. 50/2007
s. 3(3).

3A Temporary declarations by the Chief Commissioner for the purposes of certain definitions

S. 3A
(Heading)
amended by
No. 21/2008
s. 8.
S. 3A
inserted by
No. 50/2007
s. 4.

- (1) The Chief Commissioner may, for the purposes of—
- (a) paragraph (f) of the definition of ***category D longarm***; or
 - (b) paragraph (c) of the definition of ***category E handgun***; or
 - (c) paragraph (f) of the definition of ***category E longarm***—

in consultation with the Minister, by instrument, declare a firearm or type of firearm to be a category D longarm, a category E handgun or a category E longarm (as the case may be).

- (2) The Chief Commissioner must cause a declaration made under subsection (1) to be published in the Government Gazette as soon as practicable after the declaration is made.
- (3) A declaration under subsection (1) remains in force for a period of 12 months from the day on which it is published unless it is revoked during that time by the Chief Commissioner.
- (4) The Chief Commissioner must notify each person whom the Chief Commissioner is aware is in possession of a firearm to which a declaration under subsection (1) applies of the declaration.
- (5) The Chief Commissioner must not make a declaration referred to in subsection (1) in respect of the same type of firearm more than once.
- (6) If the Chief Commissioner makes a declaration under subsection (1) declaring a firearm or a type of firearm to be of a particular category and there is in force a regulation prescribing another category for the firearm or type of firearm—
 - (a) the declaration has effect despite the regulation; and
 - (b) the regulation is to be taken to have no force or effect for so long as the declaration is in force.
- (7) In any proceeding for an offence under section 6(4), 6(5) or 7(2) in respect of a firearm that is declared to be a category D longarm, a category E handgun or a category E longarm, it is a defence to the charge if the person has not been notified by the Chief Commissioner of the declaration under subsection (4).

S. 3B
inserted by
No. 21/2008
s. 9.

3B Permanent declarations by the Chief Commissioner for the purposes of certain definitions

- (1) The Chief Commissioner, by instrument, may declare a firearm or type of firearm that would otherwise be a category A longarm, category B longarm or category C longarm to be—
 - (a) a category D longarm; or
 - (b) a category E longarm—if the Chief Commissioner is satisfied that the firearm or type of firearm subject to the declaration is designed or adapted for military purposes, or substantially duplicates a firearm of that type in design, function or appearance.
- (2) In choosing whether a firearm or type of firearm is to be declared a category D longarm or category E longarm, the Chief Commissioner must have regard to which of those categories the firearm or type of firearm most closely resembles.
- (3) The Chief Commissioner must cause a declaration under subsection (1) to be published in the Government Gazette as soon as practicable after the declaration is made.
- (4) A declaration under subsection (1) takes effect on the day it is published in the Government Gazette or on the later day specified in the declaration.
- (5) The Chief Commissioner must notify each person whom the Chief Commissioner is aware is in possession of a firearm to which a declaration under subsection (1) applies of the declaration.
- (6) If the Chief Commissioner makes a declaration under subsection (1) declaring a firearm or a type of firearm to be a category D longarm or a category E longarm, the firearm or type of firearm is, for the purposes of this Act, taken to be a firearm or type of firearm of that category only,

despite anything to the contrary in section 3 or 3A or the regulations.

- (7) In any proceeding for an offence under section 6(4) or 6(5) in respect of a firearm that is declared under subsection (1) to be a category D longarm or a category E longarm, it is a defence to the charge if the person has not been notified by the Chief Commissioner of the declaration under subsection (5).

3C Chief Commissioner may allow a person to continue to be licensed or renew firearms licence following temporary or permanent declaration

S. 3C
inserted by
No. 44/2021
s. 9.

- (1) If, the Chief Commissioner makes a declaration in relation to a firearm in accordance with section 3A or 3B, the Chief Commissioner may, on and after the relevant day, allow a person who, immediately before the relevant day, held a category A, B, C, D or E longarm licence and was in possession of the firearm declared to be of a particular category by the Chief Commissioner to—
- (a) continue to be licensed to possess, carry or use the firearm under the person's existing category A, B, C, D or E longarm licence (as the case requires) until the earlier of the following occurs—
- (i) the firearm is disposed of;
- (ii) the person's licence expires;
- (iii) the person's licence is surrendered, suspended or cancelled; or
- (b) renew the person's category A, B, C, D or E longarm licence (as the case requires) in accordance with Part 2 for the purposes of continuing to be licensed to possess, carry or use the firearm under that licence until the earlier of the following occurs—

- (i) the firearm is disposed of;
 - (ii) the person's licence expires;
 - (iii) the person's licence is surrendered, suspended or cancelled.
- (2) The Chief Commissioner must notify, in writing, a person referred to in subsection (1) of the Chief Commissioner's decision.

Note

The **Electronic Transactions (Victoria) Act 2000** applies to enable the Chief Commissioner to notify a person electronically, including by email, in accordance with that Act.

- (3) In this section—

relevant day means the day on which a declaration made by the Chief Commissioner under section 3A or 3B is published in the Government Gazette under section 3A(2) or 3B(3) (as the case requires).

4 Act binds the Crown

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

Part 2—Possession, carriage or use of firearms and related items

Division 1—Offences

5 Offence for prohibited person to possess, carry or use a firearm

- (1) A prohibited person must not possess, carry or use
a firearm.

Penalty: 1200 penalty units or 10 years
imprisonment.

* * * * *

S. 5(1)
amended by
Nos 28/2003
s. 4(1),
12/2012
s. 8(1).

S. 5(1A)
inserted by
No. 28/2003
s. 4(2),
repealed by
No. 12/2012
s. 8(2).

- (2) A prohibited person must not possess, carry or
use—

(a) a silencer; or

(b) any other prescribed item.

Penalty: 480 penalty units or 8 years
imprisonment.

S. 5(2)
amended by
No. 28/2003
s. 4(3).

6 Offence for non-prohibited person to possess, carry or use a longarm without a licence

- (1) A non-prohibited person must not possess, carry
or use a category A longarm that is registered
unless that person does so under and in
accordance with a licence issued under this Part.

Penalty: 120 penalty units or 2 years
imprisonment.

S. 6(1)
amended by
No. 28/2003
s. 5(1).

S. 6(2)
amended by
No. 28/2003
s. 5(2).

- (2) A non-prohibited person must not possess, carry or use a category B longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 120 penalty units or 2 years imprisonment.

S. 6(3)
amended by
No. 28/2003
s. 5(3).

- (3) A non-prohibited person must not possess, carry or use a category C longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 240 penalty units or 4 years imprisonment.

S. 6(4)
amended by
No. 28/2003
s. 5(4).

- (4) A non-prohibited person must not possess, carry or use a category D longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 240 penalty units or 4 years imprisonment.

S. 6(5)
amended by
No. 28/2003
s. 5(5).

- (5) A non-prohibited person must not possess, carry or use a category E longarm that is registered unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 600 penalty units or 7 years imprisonment.

S. 6(5A)
inserted by
No. 78/2005
s. 4.

- (5A) A non-prohibited person must not possess carry or use a paintball marker unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 120 penalty units or 2 years imprisonment.

- | | | |
|--|--|--|
| <p>(6) A non-prohibited person must not possess, carry or use a longarm that is not a category A, B, C, D or E longarm or a paintball marker.</p> <p>Penalty: 240 penalty units or 4 years imprisonment.</p> | <p>S. 6(6)
substituted by
No. 28/2003
s. 5(6),
amended by
No. 2/2018
s. 6.</p> | |
| <p>6A Offence to possess, carry or use an unregistered longarm</p> | | <p>S. 6A
inserted by
No. 28/2003
s. 6.</p> |
| <p>(1) A non-prohibited person must not possess, carry or use a category A or category B longarm that is not registered.</p> <p>Penalty: For a first offence, 120 penalty units or 2 years imprisonment;</p> <p style="padding-left: 40px;">For a second or subsequent offence,
1200 penalty units or 10 years imprisonment.</p> | <p>S. 6A(1)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.1(a)).</p> | |
| <p>(2) A non-prohibited person must not possess, carry or use a category C or category D longarm that is not registered.</p> <p>Penalty: For a first offence, 240 penalty units or 4 years imprisonment;</p> <p style="padding-left: 40px;">For a second or subsequent offence,
1200 penalty units or 10 years imprisonment.</p> | <p>S. 6A(2)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.1(b)).</p> | |
| <p>(3) A non-prohibited person must not possess, carry or use a category E longarm that is not registered.</p> <p>Penalty: For a first offence, 600 penalty units or 7 years imprisonment;</p> <p style="padding-left: 40px;">For a second or subsequent offence,
1200 penalty units or 10 years imprisonment.</p> | <p>S. 6A(3)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.1(c)).</p> | |

S. 6A(4)
inserted by
No. 78/2005
s. 5.

- (4) A non-prohibited person must not possess, carry or use a paintball marker that is not registered.

Penalty: For a first offence, 120 penalty units or 2 years imprisonment;

For a second or subsequent offence, 1200 penalty units or 10 years imprisonment.

S. 7
substituted by
No. 28/2003
s. 7.

7 Offence for non-prohibited person to possess, carry or use a handgun without a licence

- (1) A non-prohibited person must not possess, carry or use a registered general category handgun for purposes other than the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under Division 3 or 5 of this Part.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) A non-prohibited person must not possess, carry or use a registered category E handgun for purposes other than the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under Division 3 of this Part.

Penalty: 600 penalty units or 7 years imprisonment.

- (3) A non-prohibited person must not possess, carry or use a registered general category handgun, that was manufactured before 1 January 1947, for the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under section 21 or section 25.

Penalty: 240 penalty units or 4 years imprisonment.

- (4) A non-prohibited person must not possess, carry or use a registered category E handgun for the purpose of collecting handguns unless that person does so under and in accordance with a licence issued under section 21 or section 25.

Penalty: 600 penalty units or 7 years imprisonment.

- (5) A non-prohibited person must not possess, carry or use a registered general category handgun, that was manufactured on or after 1 January 1947, for the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under section 21A.

Penalty: 240 penalty units or 4 years imprisonment.

- (6) A non-prohibited person must not possess, carry or use a registered category E handgun, that was manufactured on or after 1 January 1947, for the purpose of collecting handguns, unless that person does so under and in accordance with a licence issued under section 21A.

Penalty: 600 penalty units or 7 years imprisonment.

7A Offences for certain types of handguns

S. 7A
(Heading)
substituted by
No. 78/2005
s. 6(1).
S. 7A
inserted by
No. 28/2003
s. 8.

- (1) A person who is the holder of a handgun target shooting licence must not possess, carry or use—
(a) unless authorised by the Chief Commissioner under subsection (2), any handgun that has a barrel length of—

S. 7A(1)
amended by
No. 78/2005
s. 6(2).

- (i) in the case of a semi-automatic handgun, less than 120 mm; or
- (ii) in the case of a revolver or single shot handgun, less than 100 mm; or
- (b) unless authorised by the Chief Commissioner under subsection (4) any handgun that has a calibre of more than .45 inch; or
- (c) unless authorised by the Chief Commissioner under subsection (4), any handgun that has a calibre of more than .38 inch but not more than .45 inch; or
- (d) a handgun that has a magazine with a capacity of more than 10 rounds.

Penalty: 240 penalty units or 4 years imprisonment.

S. 7A(2)
amended by
No. 78/2005
s. 6(3).

- (2) Upon application by a person who is the holder of, or an applicant for, a handgun target shooting licence, the Chief Commissioner may authorise the applicant to possess, carry or use a general category handgun that has a barrel length—
 - (a) in the case of a semi-automatic handgun, of less than 120 mm; or
 - (b) in the case of a revolver or single shot handgun, of less than 100 mm.

S. 7A(3)(a)
amended by
No. 78/2005
s. 6(4).

- (3) In granting an authorisation under subsection (2) the Chief Commissioner may have regard to—
 - (a) whether or not the handgun is required for participation in approved handgun target shooting matches; and
 - (b) the experience of the applicant in the use of handguns for target shooting; and

- (c) whether or not the handgun is appropriate for possession, carriage or use for target shooting; and
 - (d) the general size, appearance and other characteristics of the handgun; and
 - (e) any other relevant matter.
- (4) Upon application by a person who is the holder of or an applicant for a handgun target shooting licence, the Chief Commissioner may authorise the applicant to possess, carry or use a general category handgun—
- (a) that has a calibre of more than .45 inch; or
 - (b) that has a calibre of more than .38 inch but not more than .45 inch.
- (5) In granting an authorisation under subsection (4) the Chief Commissioner may have regard to—
- (a) whether or not the handgun is required for participation in approved handgun target shooting matches; and
 - (b) the experience of the applicant in the use of handguns for target shooting; and
 - (c) whether or not a club to which the applicant belongs or at which the applicant intends to use the handgun is adapted to enable ammunition that may be used in a firearm of the calibre applied for to be used appropriately and safely; and
 - (d) whether or not the handgun is appropriate for possession, carriage or use for target shooting; and
 - (e) the general size, appearance and other characteristics of the handgun; and
 - (f) any other relevant matter.

S. 7A(4)
amended by
No. 78/2005
s. 6(5).

S. 7A(5)(a)
amended by
No. 78/2005
s. 6(6)(a).

S. 7A(5)(c)
amended by
No. 78/2005
s. 6(6)(b).

S. 7A(6)
substituted by
No. 78/2005
s. 6(7).

(6) This section does not apply to a black powder handgun.

S. 7A(7)
inserted by
No. 78/2005
s. 6(7).

(7) This section does not apply to a person who is the holder of a handgun target shooting licence—

- (a) who possesses, carries or uses a general category handgun, that is of a class to which subsection (1)(a), (b) or (c) applies, on an approved shooting range for the purpose of determining whether or not to purchase the handgun or apply for an authorisation under this section for the handgun; or
- (b) who possesses, carries or uses a general category handgun, that is of a class to which subsection (1)(a), (b) or (c) applies, in an approved handgun target shooting match at an approved shooting range as the result of the malfunction of another handgun being used by that person in that match; or
- (c) who possesses, carries or uses a general category handgun, that is of a class to which subsection (1)(a), (b) or (c) applies, for the purposes of instructing another person in the use of the handgun; or
- (d) who possesses a general category handgun, that is of a class to which subsection (1)(a), (b) or (c) applies, for the purposes of storing the handgun.

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

S. 7B
inserted by
No. 28/2003
s. 8.

- (1) A person must not possess, carry or use a general category handgun that is not registered.

Penalty: For a first offence, 600 penalty units or 7 years imprisonment;
For a second or subsequent offence, 1200 penalty units or 10 years imprisonment.

S. 7B(1)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.2(a)).

- (2) A person must not possess, carry or use a category E handgun that is not registered.

Penalty: For a first offence, 1800 penalty units or 14 years imprisonment;
For a second or subsequent offence, 2100 penalty units or 17 years imprisonment.

S. 7B(2)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.2(b)).

7C Possession of a traffickable quantity of firearms

S. 7C
inserted by
No. 28/2003
s. 8,
amended by
Nos 12/2012
s. 9, 44/2015
s. 3, 2/2018
s. 7,
substituted by
No. 3/2019
s. 39.

- (1) A person must not possess 2 or more firearms unless the person does so in accordance with this Act or the regulations.

Penalty: 1200 penalty units or 10 years imprisonment.

- (2) A person who is convicted or found guilty of an offence against subsection (1) is not liable to be convicted of an offence against section 5(1), section 6(1), (2), (3), (4), (5) or (6), section 6A(1), (2) or (3), section 7(1), (2), (3), (4), (5) or (6) or section 7B(1) or (2).

8 Offence to acquire, dispose of possess or carry cartridge ammunition for collections

S. 8
amended by
No. 22/1998
s. 43(Sch.
item 1).

A person must not acquire, dispose of, possess or carry cartridge ammunition for the purposes of collecting cartridge ammunition unless that person

does so under and in accordance with a licence issued under this Part.

Penalty: 60 penalty units or 12 months imprisonment.

S. 8A
inserted by
No. 52/2010
s. 4.

8A Proof of registration of firearm

In any proceedings for an offence under this Act, evidence that—

- (a) a firearm does not have a serial number; or
- (b) the serial number of a firearm has been erased, defaced or altered; or
- (c) the serial number of a firearm is illegible—

is admissible to establish that the firearm is not registered and, in the absence of evidence to the contrary, is proof of that fact.

Division 2—Longarm licences

9 Issue of longarm licences

- (1) The Chief Commissioner may licence a person to possess, carry or use registered category A longarms for the reason specified in the licence.
- (2) The Chief Commissioner may licence a person to possess, carry or use registered category B longarms for the reason specified in the licence.
- (3) The Chief Commissioner may licence a person to possess, carry or use—
 - (a) for the reason of clay target shooting—
 - (i) more than one registered category C longarm, being shotguns, if the Chief Commissioner is satisfied that the person has a genuine need to possess, carry or use more than one such longarm; or

S. 9(3)
substituted by
No. 26/1997
s. 18.

- (ii) in any other case, not more than one registered category C longarm, being a shotgun; or
- (b) for any other reason set out in section 11(1)(a)—
 - (i) not more than one registered category C longarm, being a rifle; and
 - (ii) not more than one registered category C longarm, being a shotgun; or
- (c) for a reason set out in section 11(1)(a)(i) or (iv)—
 - (i) more than one registered category C longarm, being tranquilliser guns, if the Chief Commissioner is satisfied that the person has a genuine need to possess, carry or use more than one such longarm; or
 - (ii) in any other case, not more than one registered category C longarm, being a tranquilliser gun.
- (4) The Chief Commissioner may licence a person to possess, carry or use—
 - (a) not more than one registered category D longarm, being a rifle; and
 - (b) not more than one registered category D longarm, being a shotgun—for the reason specified in the licence.
- (5) The Chief Commissioner may licence a person to possess, carry or use one or more category E longarms for the reason specified in the licence.

S. 9(3)(b)(ii)
amended by
No. 21/2008
s. 10(a).

S. 9(3)(c)
inserted by
No. 21/2008
s. 10(b).

S. 9(6)
inserted by
No. 78/2005
s. 7.

- (6) The Chief Commissioner may licence a person to possess, carry or use a registered paintball marker for the reason specified in the licence.

10 Reasons for applying for longarm licence, category A or B

S. 10(1)(e)
amended by
No. 22/1998
s. 5(1).

- (1) The Chief Commissioner must not issue a longarm licence for category A or B longarms unless the applicant can demonstrate that the licence is required for one or more of the following reasons—
- (a) for sport or target shooting;
 - (b) for hunting;
 - (c) for primary production;
 - (d) for the occupation of security guard or prison guard;
 - (e) for an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations.

- (2) For the purpose of demonstrating that the licence is required for—

- (a) sport or target shooting—
 - (i) the applicant must be a member of a shooting club or shooting organisation which is approved by the Chief Commissioner; and
 - (ii) the applicant must engage in sport or target shooting only at a place which is authorised by or under this Act as a place at which sport or target shooting using category A or B longarms may take place;

S. 10(2)(a)(ii)
amended by
No. 22/1998
s. 5(2)(a),
substituted by
No. 78/2005
s. 8(1).

(b) hunting, the applicant must—

(i) produce written evidence that the applicant owns, occupies or manages the land on which he or she intends to hunt; or

(ia) the applicant must be a member of a shooting club or shooting organisation which is approved by the Chief Commissioner; or

S. 10(2)(b)(ia)
inserted by
No. 78/2005
s. 8(2).

(ii) produce written evidence from the owner or manager of any privately owned land on which he or she intends to hunt that he or she may be permitted from time to time to use that land for the purposes of hunting; or

(iii) if the applicant is the holder of a game licence issued under the **Wildlife Act 1975**, produce the licence; or

(iv) produce written evidence that he or she is from time to time formally employed, engaged or contracted to shoot pest animals or take game; or

S. 10(2)(b)(iv)
amended by
No. 22/1998
s. 5(2)(b).

(v) produce written permission to hunt pest animals on Crown land, from the Secretary to the Department of Natural Resources and Environment or from any person nominated by the Secretary to give that permission;

S. 10(2)(b)(v)
inserted by
No. 22/1998
s. 5(2)(b).

(c) primary production, the applicant must produce evidence that he or she is regularly engaged in the business of primary production as an owner, lessee or manager of land used for the primary production or is a person employed for the purposes of such a business;

(d) the occupation of security or prison guard, the applicant must—

S. 10(2)(d)(i)
amended by
Nos 33/2004
s. 207, 50/2007
s. 5(a).

(i) hold a licence under the **Private Security Act 2004** that authorises him or her to perform armed guard activities or cash-in-transit activities or be a prison officer, a contractor or a sub-contractor within the meaning of the **Corrections Act 1986** or an employee of such a contractor or sub-contractor; and

S. 10(2)(d)(ii)
amended by
No. 50/2007
s. 5(b).

(ii) produce evidence that the applicant has a genuine need for the licence because the duties he or she performs as a security guard, prison officer, contractor, sub-contractor or employee are such as to require the carriage or use of a category A or B longarm;

S. 10(2)(e)
substituted by
No. 22/1998
s. 5(2)(c).

(e) for a purpose specified in subsection (1)(e), the applicant must produce evidence that the licence is required for that purpose.

(3) The Chief Commissioner may approve any shooting club or shooting organisation for the purposes of subsection (2).

S. 10(4)
inserted by
No. 22/1998
s. 5(3).

(4) A non-prohibited person who has made an application to the Chief Commissioner for an approval under subsection (3) may apply to the Committee for a review of a decision of the Chief Commissioner not to grant the approval or for a review of a failure of the Chief Commissioner to make the decision within a reasonable time.

S. 10(5)
inserted by
No. 22/1998
s. 5(3).

(5) The Chief Commissioner may—

(a) impose conditions on any approval under subsection (3); and

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

11 Reasons for applying for a longarm licence, category C

- (1) The Chief Commissioner must not issue a longarm licence for category C longarms unless—
- (a) the applicant can demonstrate that the licence is required for one of the following reasons—
 - (i) primary production;
 - (ii) professional hunting;
 - (iii) clay target shooting;
 - (iv) an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations;
 - (v) possessing a category C longarm, being a shotgun, for carriage and use by the holder of a junior licence for the purpose of clay target shooting; and
 - (b) the applicant has a genuine need to possess, carry or use a category C firearm which relates to the applicant's reason for requiring the licence and which cannot be satisfied by a category A or B firearm or by other means.
- (2) For the purposes of demonstrating that the licence is required for—
- (a) primary production, the applicant must produce evidence that he or she is substantially engaged in the business of primary production as an owner, lessee or manager of land used for primary production or is a person employed, full time, in such a business;

S. 11(1)(a)(iv)
amended by
Nos 26/1997
s. 19(1)(a),
22/1998
s. 6(1).

S. 11(1)(a)(v)
inserted by
No. 26/1997
s. 19(1)(b).

- (b) professional hunting, the applicant must produce evidence that he or she is substantially dependant on hunting as a source of income and enters into formal engagements or contracts to hunt professionally;
- (c) clay target shooting, the applicant must—
 - (i) be a member of a clay target shooting club or organisation approved by the Chief Commissioner; and
 - (ii) engage in clay target shooting only at a place which is authorised by or under this Act as a place at which clay target shooting may take place; and
 - (iii) either—
 - (A) satisfy the Chief Commissioner that he or she is physically unable to compete in clay target shooting competitions unless he or she uses a category C longarm which is a semi-automatic or pump action shotgun; or
 - (B) be a person who, on 15 November 1996, possessed a semi-automatic or pump action shotgun registered under the **Firearms Act 1958** for use in clay target shooting and who was, on that date, a member of a club affiliated with the Australian Clay Target Association or the Victorian Field and Game Association Incorporated or the Field and Game Federation of Australia Incorporated; and

S. 11(2)(c)(ii)
substituted by
No. 22/1998
s. 6(2)(a).

S. 11(2)
(c)(iii)(B)
amended by
No. 22/1998
s. 6(2)(b).

- (iv) demonstrate other prescribed requirements;
- (d) for a purpose specified in subsection (1)(a)(iv), the applicant must produce evidence that the licence is required for that purpose; S. 11(2)(d) substituted by No. 22/1998 s. 6(2)(c).
- (e) possessing a category C longarm, being a shotgun, for carriage and use by the holder of a junior licence for the purpose of clay target shooting, the applicant must—
 - (i) demonstrate that the person who carries and uses the longarm is the holder of a junior licence and is a member of a clay target shooting club or organisation approved by the Chief Commissioner; and
 - (ii) be a member of a clay target shooting club or organisation approved by the Chief Commissioner;
 - (iii) demonstrate other prescribed requirements.
- (3) The Chief Commissioner may approve any clay target shooting club or clay target shooting organisation for the purposes of this Act. S. 11(3) amended by No. 26/1997 s. 19(3).
- (4) A non-prohibited person who has made an application to the Chief Commissioner for an approval under subsection (3) may apply to the Committee for a review of a decision of the Chief Commissioner not to grant the approval or for a review of a failure of the Chief Commissioner to make the decision within a reasonable time. S. 11(4) inserted by No. 22/1998 s. 6(3).
- (5) The Chief Commissioner may—
 - (a) impose conditions on any approval under subsection (3); andS. 11(5) inserted by No. 22/1998 s. 6(3).

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

12 Reasons for applying for a longarm licence, category D

- (1) The Chief Commissioner must not issue a longarm licence for category D longarms unless—
 - (a) the applicant can demonstrate that the licence is required for one of the following reasons—
 - (i) professional hunting;
 - (ii) an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations; and
 - (b) in the case of an applicant who requires the licence for professional hunting, the Chief Commissioner is satisfied that the quarry the applicant proposes to hunt cannot be hunted with any category of firearm other than a category D longarm.
- (2) For the purposes of demonstrating that the licence is required for—
 - (a) professional hunting, the applicant must produce evidence that he or she is substantially dependant on hunting as a source of income and enters into formal engagements or contracts to hunt professionally;
 - (b) for a purpose specified in subsection (1)(a)(ii), the applicant must produce evidence that the licence is required for that purpose.

S. 12(1)(a)(ii)
amended by
No. 22/1998
s. 7(a).

S. 12(2)(b)
substituted by
No. 22/1998
s. 7(b).

13 Reasons for applying for a longarm licence, category E

- (1) The Chief Commissioner must not issue a longarm licence for category E longarms unless—
- (a) the applicant can demonstrate that the licence is required for an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations; and
 - (b) if the application is in respect of more than one category E longarm, the applicant can demonstrate a compelling reason for more than one such longarm to be possessed, carried or used under the licence.
- (2) For the purposes of demonstrating that the licence is required for a purpose specified in subsection (1)(a), the applicant must produce evidence that the licence is required for that purpose.

S. 13(1)(a)
amended by
No. 22/1998
s. 8(1).

S. 13(2)
substituted by
No. 22/1998
s. 8(2).

13A Reasons for applying for paintball marker licence

The Chief Commissioner must not issue a paintball marker licence unless the applicant can demonstrate that the licence is required for the purpose of engaging in activities that require the use of paintball markers at a location approved by the Chief Commissioner.

S. 13A
inserted by
No. 78/2005
s. 9.

14 Conditions applying to longarm licences

- (1) A longarm licence for a category A or B longarm is subject to—
- (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) the special conditions specified in item 1 of Schedule 2; and

- (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (2) A longarm licence for a category C longarm is subject to—
 - (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) the special conditions specified in item 2 of Schedule 2; and
 - (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (3) A longarm licence for a category D longarm is subject to—
 - (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (4) A longarm licence for a category E longarm is subject to—
 - (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.
- (5) A paintball marker licence is subject to—
 - (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
 - (b) any other conditions imposed on the licence or category of licence by the Chief Commissioner.

S. 14(5)
inserted by
No. 78/2005
s. 10.

Division 3—Handgun licences

15 Issue of handgun licences for general category handguns

S. 15
(Heading)
inserted by
No. 28/2003
s. 9(1).

(1) The Chief Commissioner may licence a person to possess, carry or use general category handguns for all or any of the following reasons—

S. 15(1)
amended by
Nos 28/2003
s. 9(2),
50/2007
s. 6(1)(a).

(a) for the occupation of security guard or prison guard;

(ab) for the carrying on of a private security business that provides the services of armed guard activities or cash-in-transit activities;

S. 15(1)(ab)
inserted by
No. 50/2007
s. 6(1)(b).

(b) for target shooting;

(c) for an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations;

S. 15(1)(c)
amended by
Nos 22/1998
s. 9(1)(a),
78/2005
s. 11(1).

(d) for possessing or carrying a general category handgun, for carriage and use by the holder of a junior handgun target shooting licence in accordance with the licence of that holder.

S. 15(1)(d)
inserted by
No. 78/2005
s. 11(2).

(2) For the purpose of demonstrating that the licence is required for—

(a) the occupation of security guard or prison guard, the applicant must—

(i) hold a licence under the **Private Security Act 2004** that authorises the applicant to perform armed guard activities or cash-in-transit activities or be a prison officer, a contractor or a sub-contractor, within the meaning of the **Corrections Act 1986**, or an

S. 15(2)(a)(i)
amended by
Nos 33/2004
s. 207, 50/2007
s. 6(2)(a).

employee of such a contractor or sub-contractor; and

S. 15(2)(a)(ii)
amended by
Nos 28/2003
s. 9(3)(a),
29/2006
s. 3(Sch. 1
item 11),
50/2007
s. 6(2)(b).

- (ii) in the case of an applicant who is a natural person, produce evidence that the applicant has a genuine need for the licence because the duties he or she performs as a security guard, prison officer, contractor, sub-contractor or employee are such as to require the carriage and use of a general category handgun; and

S. 15(2)(a)(iii)
inserted by
No. 50/2007
s. 6(2)(c).

- (iii) in the case of a person who carries on a private security business that provides the services of armed guard activities or cash-in-transit activities, produce evidence that the applicant has a genuine need for the licence because the nature of the private security business the person carries on is such as to require the carriage and use of one or more general category handguns;

S. 15(2)(b)
substituted by
No. 28/2003
s. 9(3)(b).

(b) target shooting—

- (i) the applicant must be and continue to be a member of an approved handgun target shooting club; and
- (ii) if the applicant is not, at the time of the application, the holder of a licence in another State or a Territory of the Commonwealth that authorises the possession, carriage or use of handguns for the reason of target shooting, the applicant must, for the period of 6 months immediately preceding the application, have been a member of that club;

- | | |
|---|---|
| (c) for a purpose specified in subsection (1)(c), the applicant must produce evidence that the licence is required for that purpose; | S. 15(2)(c) substituted by No. 22/1998 s. 9(1)(b), amended by No. 78/2005 s. 11(3)(a). |
| (d) for the purpose specified in subsection (1)(d), the applicant must demonstrate that the person who carries and uses the general category handgun is the holder of a junior licence. | S. 15(2)(d) inserted by No. 78/2005 s. 11(3)(b). |
| (3) In the case of a person who is applying for a handgun licence for general category handguns for the reason of target shooting, the Chief Commissioner must not issue such a licence to that person unless a nominated officer of an approved handgun target shooting club of which the person is a member has, on behalf of the club, endorsed the application. | S. 15(3) substituted by No. 28/2003 s. 9(4). |
| (4) In issuing a handgun security guard licence under this section the Chief Commissioner— | S. 15(4) inserted by No. 22/1998 s. 9(2), repealed by No. 28/2003 s. 9(5), new s. 15(4) inserted by No. 78/2005 s. 11(4). |
| (a) in the case of an employee of a private security business, must not issue the licence for more than one general category handgun; and | S. 15(4)(a) amended by No. 50/2007 s. 6(3). |
| (ab) in the case of an operator of a private security business, must not issue the licence for more general category handguns than are, in the opinion of the Chief Commissioner, | S. 15(4)(ab) inserted by No. 50/2007 s. 6(4). |

reasonably necessary for the operation of the business; and

S. 15(4)(b)
amended by
No. 78/2005
s. 64(a).

- (b) where the holder of the licence is employed as a security guard, must not issue the licence for a handgun that is not registered to the person who employs the holder as a security guard; and

S. 15(4)(c)
inserted by
No. 78/2005
s. 64(b).

- (c) must not issue, unless the Chief Commissioner reasonably believes that there is an exceptional and legitimate reason for doing so, a licence for a handgun that is—

(i) a semi-automatic handgun with a calibre of more than .40 inch; or

(ii) a revolver or single shot handgun with a calibre of more than .38 inch.

* * * * *

S. 15(5)
inserted by
No. 22/1998
s. 9(2),
repealed by
No. 28/2003
s. 9(6).

16 Conditions applying to handgun licences

- (1) A handgun licence is subject to—

- (a) the general conditions specified in items 1, 2 and 3 of Schedule 1; and
(b) the special conditions specified in item 3 of Schedule 2; and
(c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

S. 16(2)
inserted by
No. 28/2003
s. 10,
amended by
No. 78/2005
s. 12(1).

- (2) If a person is the holder of a handgun target shooting licence, the licence is subject to the following conditions—

- (a) the holder must not participate in target shooting for any purpose other than the purpose of preparing for and competing in approved handgun target shooting matches;
- (b) if the holder is a member of more than one approved handgun target shooting club, the holder must nominate one such club to be his or her principal club.
- (3) A handgun target shooting licence under which the holder possesses, carries or uses general category handguns is subject to the condition that in each calendar year for which the holder holds the licence, for the number of specified classes of handgun possessed, carried or used under the licence, he or she must, on at least 10 separate days, participate in at least the total number of—
- (a) handgun target shoots; or
- (b) approved handgun target shooting matches; or
- (c) a combination of the number of handgun target shoots and handgun target shooting matches—

S. 16(3)
inserted by
No. 28/2003
s. 10,
amended by
Nos 107/2003
s. 3(1),
78/2005
s. 12(2),
substituted by
No. 12/2012
s. 10(1).

set out in column 2 of the Table opposite the number of specified classes of handgun possessed, carried or used set out in column 1 of the Table.

TABLE

<i>Column 1</i>	<i>Column 2</i>
<i>Number of specified classes of handgun possessed, carried or used</i>	<i>Total number of handgun target shoots or matches or combination of both</i>
1	10
2	10
3	12
4	16

S. 16(4)
inserted by
No. 28/2003
s. 10,
substituted by
No. 12/2012
s. 10(1).

(4) Of the number of matches and shoots that the holder of a handgun target shooting licence is required to participate in under subsection (3) in any calendar year—

- (a) at least 6 must be approved handgun target shooting matches; and
- (b) at least 4 must be participated in for each specified class of handgun; and
- (c) participation may be either as a competitor, supervisor, competition judge or range officer but at least 6 must be participated in as a competitor.

S. 16(5)
inserted by
No. 28/2003
s. 10,
amended by
Nos 107/2003
s. 3(2),
78/2005
s. 12(3),
50/2007 s. 7,
repealed by
No. 12/2012
s. 10(1).

* * * * *

S. 16(6)
inserted by
No. 28/2003
s. 10,
repealed by
No. 12/2012
s. 10(1).

* * * * *

S. 16(7)
inserted by
No. 28/2003
s. 10.

(7) For the purposes of this section, a person who conducts a handgun safety course, that is of a class of such courses that has been approved by the Chief Commissioner, is deemed to have competed in an approved handgun target shooting match.

(8) For the purposes of this section, a handgun target shoot must be—

(a) a handgun target shoot that is—

(i) conducted for the purposes of preparation for participation in an approved handgun target shooting match; and

(ii) organised by an approved handgun target shooting club; and

(iii) conducted on an approved shooting range; or

(b) a handgun target shoot conducted in another State or a Territory or a place outside Australia that is recognised by the Chief Commissioner under subsection (12)(b) as complying with paragraph (a).

S. 16(8)
inserted by
No. 107/2003
s. 3(3),
amended by
No. 78/2005
s. 12(4),
substituted by
No. 52/2010
s. 5(1).

S. 16(8)(b)
amended by
No. 12/2012
s. 10(2).

(8A) If, in any calendar year, the holder of a handgun target shooting licence—

(a) holds the licence for less than the calendar year; or

(b) holds the licence in respect of a specified class of handguns for less than the calendar year—

S. 16(8A)
inserted by
No. 78/2005
s. 12(5).

the conditions applying to the licence under this section as to participation in approved handgun target shooting matches and handgun target shoots apply proportionately, based on whole calendar months, for that year, after rounding down to the nearest whole number of such matches and shoots.

(9) In this section, ***specified class of handgun*** means any of the following—

(a) any of the classes of general category handgun that are prescribed for the purposes of this section;

S. 16(9)
inserted by
No. 107/2003
s. 3(3).

- (b) the class of general category handgun that is comprised by those handguns that do not form part of any class of handgun prescribed under paragraph (a).

S. 16(10)
inserted by
No. 78/2005
s. 12(6).

- (10) For the purposes of this section, an approved handgun target shooting match or a handgun target shoot that takes place on more than one day is to be taken to be, for each day on which the match or shoot takes place, a separate match or shoot.

S. 16(11)
inserted by
No. 78/2005
s. 12(6).

- (11) This section (other than subsection (1)) does not apply to—
 - (a) the holder of a handgun target shooting licence, where that person does not possess a handgun under that licence; or
 - (b) a person, where that person possesses and carries a handgun under a licence issued under section 15(1)(d); or
 - (c) the holder of a handgun target shooting licence which is not a natural person.

S. 16(12)
inserted by
No. 52/2010
s. 5(2).

- (12) The Chief Commissioner may recognise—

S. 16(12)(a)
amended by
No. 12/2012
s. 10(3).

- (a) a handgun target shooting match conducted in another State or a Territory or a place outside Australia to be an approved handgun target shooting match; or

S. 16(12)(b)
amended by
No. 12/2012
s. 10(3).

- (b) a handgun target shoot conducted in another State or a Territory or a place outside Australia to be a handgun target shoot that complies with subsection (8)(a).

- (13) The participation by a person in a handgun target shooting match conducted in another State or a Territory or a place outside Australia that the Chief Commissioner has recognised under subsection (12)(a) does not count as participation in an approved handgun target shooting match for the purposes of this section and section 123C(1)(c) unless the Chief Commissioner is satisfied that the person participated in that handgun target shooting match.
- S. 16(13)
inserted by
No. 52/2010
s. 5(2),
amended by
No. 12/2012
s. 10(4).
- (14) The participation by a person in a handgun target shoot conducted in another State or a Territory or a place outside Australia that the Chief Commissioner has recognised under subsection (12)(b) does not count as participation in a handgun target shoot for the purposes of this section unless the Chief Commissioner is satisfied that the person participated in that handgun target shoot.
- S. 16(14)
inserted by
No. 52/2010
s. 5(2),
amended by
No. 12/2012
s. 10(5).
- (15) A person who participates in a handgun target shooting match or a handgun target shoot conducted in another State or a Territory or a place outside Australia must provide evidence of the participation and details of each weapon used to the approved handgun target shooting club of which the person is a member or, if the person is a member of more than one such club, the club which has been nominated by the person as his or her principal club.
- S. 16(15)
inserted by
No. 52/2010
s. 5(2),
amended by
No. 12/2012
s. 10(6).

Note

Under section 123C a handgun target shooting club must report to the Chief Commissioner the participation by its members in any handgun target shooting matches or handgun target shoots conducted in another State or a Territory or a place outside Australia.

Note to
s. 16(15)
amended by
No. 12/2012
s. 10(7).

S. 16(16)
inserted by
No. 52/2010
s. 5(2),
amended by
No. 12/2012
s. 10(8).

- (16) The Chief Commissioner may, at any time before deciding whether or not a person has participated in a handgun target shooting match or a handgun target shoot conducted in another State or a Territory or a place outside Australia, require the person to produce evidence of that participation.

S. 16A
inserted by
No. 28/2003
s. 11.

16A Issue of handgun licences for category E handguns

- (1) The Chief Commissioner may licence a person to possess, carry or use category E handguns for the reason specified in the licence.
- (2) The Chief Commissioner must not issue a licence for category E handguns unless—
- (a) the applicant can demonstrate that the licence is required for an official, commercial or prescribed purpose or for a purpose authorised by an Act or regulations; and
 - (b) if the application is in respect of more than one category E handgun, the applicant can demonstrate a compelling reason for more than one such handgun to be possessed, carried or used under the licence.
- (3) For the purposes of demonstrating that the licence is required for a purpose specified in subsection (2)(a), the applicant must produce evidence that the licence is required for that purpose.

S. 16AA
inserted by
No. 78/2005
s. 13.

16AA Power of Chief Commissioner to modify participation condition

- (1) The Chief Commissioner may on application by the holder of a handgun target shooting licence, vary the number of approved target shooting matches or handgun target shoots that the holder is required to participate in under this Act, if the Chief Commissioner is satisfied that—

- (a) the holder of the licence was unable to participate in such matches or shoots for reasons outside the holder's control; or
- (b) the holder of the licence was unable to complete any such match or shoot that he or she was participating in—
 - (i) for reasons outside the holder's control; and
 - (ii) where the person officiating at the match or shoot reasonably believed that the holder of the licence endeavoured as best he or she could to complete his or her participation.
- (2) An application under this section must be in the form approved by the Chief Commissioner.

16B Conditions applying to handgun licences for category E handguns

S. 16B
inserted by
No. 28/2003
s. 11.

A handgun licence for category E handguns is subject to any conditions imposed on the licence or the category of licence by the Chief Commissioner.

Division 4—General provisions applying to longarm and handgun licences

17 General discretion of Chief Commissioner to refuse a longarm or handgun licence

S. 17
amended by
Nos 22/1998
s. 10(a),
55/2014 s. 88
(ILA s. 39B(1)).

- (1) The Chief Commissioner must not issue a longarm or handgun licence—
 - (a) if the applicant or any responsible person in relation to the application is a prohibited person; or

S. 17(1)(ab)
inserted by
No. 52/2010
s. 6.

- (ab) if the applicant is not ordinarily resident in Victoria unless—
 - (i) the Chief Commissioner is satisfied that the applicant requires the licence for work purposes in Victoria; and
 - (ii) the applicant is not a person to whom section 185(2A) or (2B) applies; or
- (b) if the applicant or any responsible person in relation to the application is under the age of 18 years; or

S. 17(1)(ba)
inserted by
No. 2/2018
s. 8(a).

- (ba) if the Chief Commissioner is satisfied that the applicant is not a fit and proper person on the basis of information known to the Chief Commissioner as to the criminal activities of the applicant; or

S. 17(1)(c)(i)
substituted by
No. 2/2018
s. 8(b).

- (c) unless the Chief Commissioner is satisfied that—

S. 17(1)(c)(ia)
inserted by
No. 28/2003
s. 12,
substituted by
No. 2/2018
s. 8(b).

- (i) in relation to an applicant to which paragraph (ba) does not apply, the applicant is a fit and proper person; and
 - (ia) all responsible persons in relation to the application are fit and proper persons; and
- (ii) the applicant can possess, carry or use a firearm without being a danger to public safety or peace; and
- (iii) the applicant has satisfactorily completed a course of firearms safety approved by the Chief Commissioner and has a good knowledge of firearms law; and

- (iiia) in the case of an applicant for a paintball marker licence, that the applicant has satisfactorily completed a paintball safety course approved by the Chief Commissioner; and
- (iv) the applicant can comply with the storage requirements set out by or under the Act; and
- (v) the issue of the licence is not against the public interest; or
- (ca) if—
- (i) the applicant has surrendered a handgun licence; and
- (ii) the applicant has received compensation for the surrender of a handgun held under that licence; and
- (iii) the applicant does not require the licence for the reason set out in section 15(1)(a) or 15(1)(c)—
- during a period of 5 years from the date of the surrender of the licence; or
- (d) for any prescribed reason.
- (2) An applicant, or a responsible person in relation to an application, is presumed not to be a fit and proper person for the purposes of subsection (1)(c)(i) if he or she is a declared organisation member.
- (3) A presumption under subsection (2) may be rebutted.
- S. 17(1)(c)(iiia) inserted by No. 78/2005 s. 14.
- S. 17(1)(c)(v) amended by No. 22/1998 s. 10(b).
- S. 17(1)(ca) inserted by No. 50/2007 s. 8.
- S. 17(2) inserted by No. 55/2014 s. 88.
- S. 17(3) inserted by No. 55/2014 s. 88.

Division 5—Junior licences

18 Issue of junior licences

S. 18
amended by
No. 26/1997
s. 20(1).

S. 18(1)
amended by
Nos 22/1998
s. 11(1)(2),
28/2003
s. 13(1).

- (1) The Chief Commissioner may licence a natural person who is of or over 12 years of age and under 18 years of age to carry or use category A or B longarms, category C longarms (being shotguns) or general category handguns of the type specified in the licence for the purpose of receiving instruction in the use of such firearms or engaging in sport or target shooting competitions.

S. 18(2)
inserted by
No. 26/1997
s. 20(2).

- (2) The Chief Commissioner must not issue a junior licence which authorises the carriage or use of a category C longarm, being a shotgun, unless the applicant can demonstrate that the licence is required for the reason of clay target shooting.

S. 18(2A)
inserted by
No. 28/2003
s. 13(2).

- (2A) The Chief Commissioner must not issue a junior licence which authorises the carriage or use of a general category handgun, unless the applicant can demonstrate that the licence is required for the reason of handgun target shooting.

S. 18(3)
inserted by
No. 26/1997
s. 20(2).

- (3) For the purposes of demonstrating that a junior licence is required for the reason of clay target shooting, the applicant must—

(a) be a member of a clay target shooting club or organisation approved by the Chief Commissioner; and

S. 18(3)(b)
substituted by
No. 22/1998
s. 11(3).

(b) engage in clay target shooting only at a place which is authorised by or under this Act as a place at which clay target shooting may take place; and

(c) demonstrate other prescribed requirements.

- (4) For the purpose of demonstrating that a junior licence is required for the reason of handgun target shooting, the applicant—
- (a) must be and continue to be a member of an approved handgun target shooting club; and
 - (b) if the applicant is not, at the time of the application, the holder of a licence in another State or a Territory of the Commonwealth that authorises the carriage or use of handguns for the reason of target shooting, must, for the period of 6 months immediately preceding the application, have been a member of that club.
- (5) In the case of a person who is applying for a junior licence for the reason of handgun target shooting, the Chief Commissioner must not issue such a licence to that person unless a nominated officer of an approved handgun target shooting club of which the person is a member has, on behalf of the club, endorsed the application.

S. 18(4)
inserted by
No. 28/2003
s. 13(3).

S. 18(5)
inserted by
No. 28/2003
s. 13(3).

19 Conditions applying to junior licences

S. 19
amended by
No. 28/2003
s. 14 (ILA
s. 39B(1)).

- (1) A junior licence is subject to—
- (a) the general conditions specified in items 2 and 3 of Schedule 1; and
 - (b) the special conditions specified in item 4 of Schedule 2; and
 - (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

S. 19(2)
inserted by
No. 28/2003
s. 14,
amended by
No. 107/2003
s. 4(1),
repealed by
No. 78/2005
s. 15.

* * * *

S. 19(3)
inserted by
No. 107/2003
s. 4(2),
repealed by
No. 78/2005
s. 15.

* * * *

S. 20
amended by
No. 55/2014
s. 89 (ILA
s. 39B(1)).

20 General discretion of Chief Commissioner to refuse a junior licence

(1) The Chief Commissioner must not issue a junior licence—

(a) to a prohibited person; or

(ab) if the applicant is not ordinarily resident in Victoria; or

(b) unless the Chief Commissioner is satisfied that—

(i) the applicant is a fit and proper person to be permitted to carry a category A, B or C longarm or a general category handgun; and

(ii) the applicant can possess, carry or use a firearm without being a danger to public safety or peace; and

(iii) the applicant has satisfactorily completed a course in firearms safety approved by the Chief Commissioner and has a good knowledge of firearms law; and

S. 20(1)(ab)
inserted by
No. 52/2010
s. 7.

S. 20(1)(b)(i)
amended by
Nos 26/1997
s. 21, 28/2003
s. 15.

- | | |
|---|---|
| (iv) the issue of the licence is not against the public interest; or | S. 20(1)(b)(iv) amended by No. 22/1998 s. 12. |
| (c) unless the application is made with the written consent of the parent or guardian of the applicant; or | |
| (d) for any prescribed reason. | |
| (2) An applicant is presumed not to be a fit and proper person for the purposes of subsection (1)(b)(i) if he or she is a declared organisation member. | S. 20(2) inserted by No. 55/2014 s. 89. |
| (3) A presumption under subsection (2) may be rebutted. | S. 20(3) inserted by No. 55/2014 s. 89. |

Division 6—Firearms collectors and heirlooms licences

21 Issue of category 1 firearms collectors licences

- | | |
|---|--|
| | S. 21 (Heading) inserted by No. 28/2003 s. 16(1). |
| (1) The Chief Commissioner may licence a person to possess or carry— | S. 21(1) substituted by No. 28/2003 s. 16(2). |
| (a) longarms; and | |
| (b) handguns that have been manufactured on or after 1 January 1900 but no later than 31 December 1946; and | S. 21(1)(b) amended by Nos 78/2005 s. 16, 50/2007 s. 9(a). |
| (c) handguns that have been manufactured before 1900, that use percussion as a means of ignition and that take cartridge ammunition that is commercially available; and | S. 21(1)(c) inserted by No. 50/2007 s. 9(b). |

S. 21(1)(d)
inserted by
No. 50/2007
s. 9(b).

(d) antique handguns (that are not single shot antique handguns)—

for the purpose of collecting any such firearms.

(2) The Chief Commissioner must not issue a licence under subsection (1) unless the applicant—

S. 21(2)(a)
substituted by
No. 28/2003
s. 16(3)(a).

(a) is and has been, for at least 6 months, a member of an approved firearms collectors club that deals with the classes of firearms the person proposes to collect; and

S. 21(2)(b)
amended by
No. 28/2003
s. 16(3)(b).

(b) can demonstrate that the firearms collected will be of obvious and significant commemorative, historical or thematic value; and

S. 21(c)
inserted by
No. 28/2003
s. 16(3)(c).

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

S. 21A
inserted by
No. 28/2003
s. 17.

21A Issue of category 2 firearms collectors licences

S. 21A(1)
substituted by
No. 50/2007
s. 10.

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

(a) longarms; and

(b) handguns that have been manufactured on or after 1 January 1947; and

(c) handguns that have been manufactured on or after 1 January 1900 but no later than 31 December 1946; and

(d) handguns that have been manufactured before 1900, that use percussion as a means of ignition and that take cartridge ammunition that is commercially available; and

- (e) antique handguns (that are not single shot antique handguns)—
for the purpose of collecting any such firearms.
- (2) The Chief Commissioner must not issue a licence under subsection (1) unless the applicant—
 - (a) can demonstrate that the handguns collected will be of obvious and significant commemorative, historical or thematic value; and
 - (b) has held a category 1 firearms collectors licence for a period of at least 2 years; and
 - (c) is a member of an approved firearms collectors club, a nominated officer of which has endorsed the application, on behalf of the club; and
 - (d) possesses more than 10 handguns manufactured before 1 January 1947, and the addition of handguns manufactured on or after 1 January 1947 will increase the historical value and significance of the collection; and
 - (e) can demonstrate that the proposed increase of the collection is safe in all the circumstances.

21B Issue of antique handgun collectors licences

S. 21B
inserted by
No. 78/2005
s. 17.

- (1) The Chief Commissioner may licence a person to possess or carry antique handguns (that are not single shot antique handguns) for the purpose of collecting any such handguns.

S. 21B(1)
amended by
No. 50/2007
s. 11(1).

S. 21B(2)(a)
amended by
No. 50/2007
s. 11(2).

(2) The Chief Commissioner must not issue a licence under subsection (1) unless the applicant—

- (a) is and has been a member of an approved firearms collectors club that deals with the classes of firearms the person proposes to collect; and
- (b) can demonstrate that the firearms collected will be of obvious and significant commemorative, historical, investment or thematic value; and
- (c) is a member of an approved firearms collectors club, a nominated officer of which has endorsed the application, on behalf of the club.

S. 22
(Heading)
inserted by
No. 28/2003
s. 18(1),
amended by
No. 78/2005
s. 18(1).

22 Conditions applying to firearms collectors licences

S. 22
amended by
No. 28/2003
s. 18(2).

(1) Each firearms collectors licence is subject to—

- (a) the general conditions specified in items 1 and 2 of Schedule 1; and
- (b) the special conditions specified in item 5 of Schedule 2; and
- (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

S. 22(1)
amended by
No. 78/2005
s. 18(2).

(2) Each firearms collectors licence is subject to the following conditions—

S. 22(2)
inserted by
No. 28/2003
s. 18(3),
amended by
No. 78/2005
s. 18(3).

- (a) that the holder of the licence must not possess or carry a firearm that is of a class that the holder is not authorised under the licence to possess or carry; and
- (b) that the holder of the licence, for each class of firearm held under the licence, is, for the period of the licence, a member of an approved firearms collectors club that deals with that class of firearms.

23 General discretion of Chief Commissioner to refuse a firearms collectors licence

S. 23
amended by
Nos 22/1998
s. 13(a),
55/2014 s. 90
(ILA s. 39B(1)).

(1) The Chief Commissioner must not issue a firearms collectors licence—

- (a) if the applicant or any responsible person in relation to the application is a prohibited person; or
- (ab) if the applicant is not ordinarily resident in Victoria; or

S. 23(1)(ab)
inserted by
No. 52/2010
s. 8.

- (b) if the applicant or any responsible person in relation to the application is under 18 years of age; or
- (c) unless the Chief Commissioner is satisfied that—
 - (i) the applicant and all responsible persons in relation to the application are fit and proper persons; and
 - (ii) the applicant can possess or carry a firearm without being a danger to public safety or peace; and

S. 23(1)(c)(iv)
amended by
No. 22/1998
s. 13(b).

- (iii) the applicant can comply with the storage requirements set out by or under the Act; and
- (iv) the issue of the licence is not against the public interest; or

S. 23(2)
inserted by
No. 55/2014
s. 90.

(d) for any prescribed reason.

- (2) An applicant, or a responsible person in relation to an application, is presumed not to be a fit and proper person for the purposes of subsection (1)(c)(i) if he or she is a declared organisation member.

S. 23(3)
inserted by
No. 55/2014
s. 90.

- (3) A presumption under subsection (2) may be rebutted.

24 Firearms collectors register

- (1) A person who is the holder of a firearms collectors licence must—
 - (a) keep a register at the premises specified in the licence which has a record of the firearms kept under the licence and which is in the form approved by the Chief Commissioner; and
 - (b) enter prescribed particulars of any dealings in firearms held under the licence in the register within 24 hours after the dealing takes place.

Penalty: 120 penalty units or 2 years imprisonment.

S. 24(2)
amended by
No. 28/2003
s. 19.

- (2) The Chief Commissioner may permit a person who is the holder of a firearms collectors licence to remove a firearm from the register kept under this section if that person is the holder of a longarm licence for category A or B longarms or a

handgun licence for general category handguns which entitles that person to possess that firearm.

- (3) An application for a permit under subsection (2) must be made in the form and manner approved by the Chief Commissioner.

25 Issue of firearms heirlooms licences

The Chief Commissioner may licence a natural person who is of or over the age of 18 years to possess and carry a single firearm or a matched pair of firearms if that person—

- (a) is not able to satisfy the requirements to obtain a licence under any other provision of this Part; and
- (b) can demonstrate that he or she inherited the firearm.

26 Conditions applying to firearms heirlooms licences

A firearms heirlooms licence is subject to—

- (a) the general conditions specified in items 1 and 2 of Schedule 1; and
- (b) the special conditions specified in item 6 of Schedule 2; and
- (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

27 General discretion of Chief Commissioner to refuse a firearms heirlooms licence

- (1) The Chief Commissioner must not issue a firearms heirlooms licence—
- (a) if the applicant is a prohibited person; or
 - (ab) if the applicant is not ordinarily resident in Victoria; or

S. 27
amended by
No. 55/2014
s. 91 (ILA
s. 39B(1)).

S. 27(1)(ab)
inserted by
No. 52/2010
s. 9.

(b) unless the Chief Commissioner is satisfied that—

- (i) the applicant is a fit and proper person; and
- (ii) the applicant can possess or carry a firearm without being a danger to public safety or peace; and
- (iii) the applicant can comply with the storage requirements set out by or under the Act; and
- (iv) the issue of the licence is not against the public interest; or

S. 27(1)(b)(iv)
amended by
No. 22/1998
s. 14.

(c) for any prescribed reason.

- (2) An applicant, or a responsible person in relation to an application, is presumed not to be a fit and proper person for the purposes of subsection (1)(b)(i) if he or she is a declared organisation member.
- (3) A presumption under subsection (2) may be rebutted.

S. 27(2)
inserted by
No. 55/2014
s. 91.

S. 27(3)
inserted by
No. 55/2014
s. 91.

Division 7—Firearms ammunition collectors licences

28 Issue of firearms ammunition collectors licences

- (1) The Chief Commissioner may licence a person to acquire, dispose of, possess or carry cartridge ammunition for the purposes of collecting cartridge ammunition.

S. 28(1)
amended by
No. 22/1998
s. 43(Sch.
item 2).

- (2) The Chief Commissioner must not issue a licence under subsection (1) unless the person is a member of an organisation of firearms collectors or an organisation of ammunition collectors approved by the Chief Commissioner.

29 General discretion of Chief Commissioner to refuse a firearms ammunition collectors licence

S. 29
amended by
No. 55/2014
s. 92 (ILA
s. 39B(1)).

- (1) The Chief Commissioner must not issue a firearms ammunition collectors licence—

- (a) if the applicant or any responsible person in relation to an application is a prohibited person; or
(ab) if the applicant is not ordinarily resident in Victoria; or

S. 29(1)(ab)
inserted by
No. 52/2010
s. 10.

- (b) if the applicant or any responsible person in relation to an application is under the age of 18 years; or

- (c) unless the Chief Commissioner is satisfied that—

- (i) the applicant and all responsible persons in relation to an application are fit and proper persons; and
(ii) the applicant can possess or carry ammunition without being a danger to public safety or peace; and
(iii) the applicant can comply with the storage requirements set out by or under the Act; and
(iv) the issue of the licence is not against the public interest; or

S. 29(1)(c)(iv)
amended by
No. 22/1998
s. 15.

- (d) for any prescribed reason.

S. 29(2)
inserted by
No. 55/2014
s. 92.

- (2) An applicant, or a responsible person in relation to an application, is presumed not to be a fit and proper person for the purposes of subsection (1)(c)(i) if he or she is a declared organisation member.

S. 29(3)
inserted by
No. 55/2014
s. 92.

- (3) A presumption under subsection (2) may be rebutted.

30 Conditions applying to firearms ammunition collectors licences

A firearms ammunition collectors licence is subject to—

- (a) the general conditions specified in items 1 and 2 of Schedule 1; and
- (b) the special conditions specified in item 7 of Schedule 2; and
- (c) any other conditions imposed on the licence or the category of licence by the Chief Commissioner.

Division 8—General provisions applying to licences under this Part

31 Application for a licence

- (1) A person who is making an application for a licence under this Part must make that application to the Chief Commissioner.
- (2) An application must be in a form and manner approved by the Chief Commissioner.
- (3) An applicant must pay the fee prescribed for the category of licence applied for.

S. 31(2)
amended by
No. 78/2005
s. 19.

32 Information which is required for an application for a licence

(1) An application by a natural person for a licence under this Part must be accompanied by—

(a) proof of the identity of the applicant in the form approved by the Chief Commissioner; and

S. 32(1)(a)
substituted by
No. 44/2021
s. 10(a).

(b) in the case of an application for a longarm licence for a category D or E longarm, a handgun licence or a firearms collectors licence (other than an antique handgun collectors licence), a full set of the applicant's fingerprints.

S. 32(1)(b)
amended by
No. 78/2005
s. 20(1).

(1A) If a person who is not ordinarily resident in Victoria applies for a longarm or handgun licence on the basis that the licence is required for work purposes in Victoria, the Chief Commissioner may require the person to provide evidence that the work purposes are genuine and that they require the person to hold a Victorian firearm licence.

S. 32(1A)
inserted by
No. 52/2010
s. 11.

(2) An application by a body corporate for a licence under this Part must—

(a) specify the officers of the body corporate; and

(b) nominate a person who will be responsible for the storage and day to day management of firearms possessed under that licence; and

(c) be accompanied by, in respect of the responsible persons—

(i) proof of the identity of each person in the form approved by the Chief Commissioner; and

S. 32(2)(c)(i)
substituted by
No. 44/2021
s. 10(b).

S. 32(2)(c)(ii)
amended by
No. 78/2005
s. 20(2).

- (ii) a full set of each person's fingerprints (other than in the case of an application for an antique handgun collectors licence).

(3) An application on behalf of a Department for a licence under this Part must—

- (a) be made by a person authorised by the Department Head; and
- (b) nominate the person who is to be responsible for the storage and day to day management of firearms possessed under that licence; and
- (c) be accompanied by, in respect of the responsible persons—

S. 32(3)(c)(i)
substituted by
No. 44/2021
s. 10(b).

- (i) proof of the identity of each person in the form approved by the Chief Commissioner; and

S. 32(3)(c)(ii)
amended by
No. 78/2005
s. 20(3).

- (ii) a full set of each person's fingerprints (other than in the case of an application for an antique handgun collectors licence).

S. 32A
inserted by
No. 50/2007
s. 12.

32A Chief Commissioner may refuse to make a decision on an application for a licence

The Chief Commissioner may refuse to make a decision on an application for a licence under this Part if the applicant does not comply with any requirement of the Chief Commissioner under this Part in relation to the application within a reasonable time after the requirement being made.

33 28 day waiting period

The Chief Commissioner must not issue a licence under this Part until at least 28 days have expired after the making of the application.

33A Notice that licence may be refused

S. 33A
inserted by
No. 50/2007
s. 13.

- (1) If the Chief Commissioner is proposing not to issue a licence under this Part for any reason other than that set out in subsection (2), the Chief Commissioner must, before deciding not to issue the licence, serve on the applicant a notice—
 - (a) specifying the reason why the Chief Commissioner is proposing not to issue the licence; and
 - (b) inviting the applicant to make a written submission in accordance with subsection (3).
- (2) If the Chief Commissioner is proposing not to issue a licence under this Part because he or she is satisfied that the applicant, a close associate of the applicant or, if the applicant is a body corporate, the nominated person or an officer of the body corporate, is a prohibited person, the Chief Commissioner must serve on—
 - (a) the applicant; and
 - (b) any of the persons referred to in this subsection who the Chief Commissioner is satisfied is a prohibited person—

a notice specifying the reason why the licence is not to be issued.

- (2A) If an applicant is disqualified from holding a licence under section 19 of the **National Domestic Violence Order Scheme Act 2016**, the Chief Commissioner must serve on the applicant a notice specifying the reason why the Chief Commissioner refuses to issue the licence.
- (3) An applicant who has been served with a notice under subsection (1) may, within 28 days after the day on which the applicant is served with the

S. 33A(2A)
inserted by
No. 53/2016
s. 97.

notice, make a submission to the Chief Commissioner concerning any reason that is specified in the notice.

S. 33B
inserted by
No. 50/2007
s. 13.

33B Further consideration of application and convening of hearing

- (1) After receiving a submission within the time specified under section 33A(3), the Chief Commissioner may—
 - (a) further consider the application; or
 - (b) after giving notice to the applicant, convene a hearing to further consider the application.
- (2) An applicant may be represented at a hearing by any person the applicant chooses, but is not entitled to receive any costs in respect of a hearing.
- (3) The Chief Commissioner may arrange for an electronic recording of a hearing to be made.
- (4) The Chief Commissioner—
 - (a) must retain any electronic recording of a hearing for a period of no less than 3 months from the date of the hearing; and
 - (b) may destroy the recording at the end of the period under paragraph (a).

S. 33C
inserted by
No. 50/2007
s. 13.

33C Refusal of licence

The Chief Commissioner must not make a decision not to issue a licence under this Part unless the Chief Commissioner has—

- (a) considered any written submissions made by the applicant within the time specified in the notice under section 33A(1) for making such a submission; and

- (b) if a hearing is convened under section 33B, considered any oral submission made by the applicant at the hearing, if the applicant has indicated to the Chief Commissioner within any time specified in the notice under section 33B(1)(b) that he or she wishes to be heard at such a hearing.

34 Review of decision not to issue a licence

S. 34
amended by
No. 28/2003
s. 20(1).

- (1) A non-prohibited person who has applied for a licence under this Part may apply to the Committee for a review of a decision of the Chief Commissioner—

S. 34(1)
amended by
No. 2/2018
s. 9(1)(a).

- (a) not to issue a licence other than for the ground specified in section 17(1)(ba); or

S. 34(1)(a)
amended by
No. 2/2018
s. 9(1)(b).

- (b) to impose a condition on a licence.

- (2) A non-prohibited person who has applied for a licence under this Part may apply to VCAT for a review of a decision of the Chief Commissioner not to issue a licence on the ground specified in section 17(1)(ba).

S. 34(2)
inserted by
No. 28/2003
s. 20(2),
amended by
Nos 55/2014
s. 93, 53/2016
s. 98,
substituted by
No. 2/2018
s. 9(2).

- (3) Subsection (1) does not apply if an applicant is disqualified from holding a licence in the circumstances set out in section 33A(2A).

S. 34(3)
inserted by
No. 2/2018
s. 9(2).

35 Particulars of licences

S. 35(1)(a)
amended by
No. 3/2019
s. 40.

- (1) A licence under this Part must contain the following particulars—
 - (a) the name of the holder of the licence; and
 - (b) the category of the licence; and
 - (c) any particulars required by this Act to be specified in the licence; and
 - (d) the reason for which the applicant has been issued with the licence; and
 - (e) a summary of the storage requirements imposed by or under the Act; and
 - (f) any other prescribed particulars.
- (2) A licence under this Part must contain a recent photograph of—
 - (a) in the case of a licence issued to a natural person, that person; or
 - (b) in any other case, the nominated person—which complies with the Chief Commissioner's requirements.

36 Offence not to comply with licence conditions

- (1) A person who is the holder of a longarm licence for category A or B longarms must comply with any conditions to which the licence is subject.
Penalty: 60 penalty units or 12 months imprisonment.

- (2) A person who is the holder of a longarm licence for category C or D longarms or a handgun licence for general category handguns must comply with any conditions to which the licence is subject.

S. 36(2)
amended by
No. 28/2003
s. 21(1).

Penalty: 120 penalty units or 2 years imprisonment.

- (3) A person who is the holder of a longarm licence for category E longarms or a handgun licence for category E handguns must comply with any conditions to which the licence is subject.

S. 36(3)
amended by
No. 28/2003
s. 21(2).

Penalty: 240 penalty units or 4 years imprisonment.

- (3A) A person who is the holder of a paintball marker licence must comply with any conditions to which the licence is subject.

S. 36(3A)
inserted by
No. 78/2005
s. 21.

Penalty: 60 penalty units or 12 months imprisonment.

- (4) A person who is the holder of a junior licence, a firearms collectors licence, a firearms heirlooms licence or a firearms ammunition collectors licence must comply with any conditions to which the licence is subject.

Penalty: 60 penalty units or 12 months imprisonment.

37 Variation of licence conditions

- (1) The Chief Commissioner may, at any time vary any condition imposed on a licence under this Part by the Chief Commissioner.
- (2) The variation of a condition under this section has effect upon the giving of notice of that variation to the holder of the licence.

38 Review of a decision to vary licence conditions

A non-prohibited person who is the holder of a licence under this Part may apply to the Committee for a review of a decision of the Chief Commissioner to vary any of the conditions on the licence.

39 Duration of licences

S. 39(1)
amended by
No. 50/2007
s. 14(1).

- (1) A licence under this Part, other than a longarm licence for a category C, D or E longarm or a junior licence continues in force for the period, not exceeding 5 years from the issue or renewal of the licence, that is specified in the licence unless it is sooner surrendered, suspended or cancelled.

S. 39(2)
amended by
No. 50/2007
s. 14(2).

- (2) A longarm licence for a category C, D or E longarm continues in force for the period, not exceeding 3 years from the issue or renewal of the licence, that is specified in the licence unless it is sooner surrendered, suspended or cancelled.

S. 39(3)
amended by
No. 50/2007
s. 14(3).

- (3) A junior licence continues in force for the period of 3 years from the issue or renewal of the licence or until the holder turns 18 years of age (whichever is the earlier) unless it is sooner surrendered, suspended or cancelled.

S. 39A
inserted by
No. 2/2018
s. 10.

39A Extension of junior licence after 18 years

- (1) A junior licence is taken to continue in force on and after the day on which the holder turns 18 years of age if—
- (a) the junior licence is not due to expire until on or after the day on which the holder turns 18 years of age; and
 - (b) before the holder turns 18 years of age, the Chief Commissioner receives an application from the holder, in accordance with this Act, for a licence for the same category of

firearms as that for which the junior licence
has been issued.

- (2) A licence that is taken to continue in force under subsection (1), does so until—
- (a) the holder is issued with the licence for which the application referred to in subsection (1)(b) was made; or
 - (b) if the Chief Commissioner decides not to issue that licence, the date on which the holder is notified of that decision; or
 - (c) if, under section 32A, the Chief Commissioner refuses to make a decision on the application, the date on which Chief Commissioner so refuses.
- (3) Subsection (2)(b) applies even if the person applies to the Firearms Appeals Committee for a review of the decision of the Chief Commissioner not to issue the licence.

40 Requirement to notify Chief Commissioner of change of nominated person

- (1) If the person nominated in an application under section 31 becomes a prohibited person during the course of a licence, the holder of the licence must nominate another person to be responsible for the storage and day to day management of firearms possessed under that licence and must immediately notify the Chief Commissioner of that nomination.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) At any time during the course of a licence, the holder of the licence may nominate a person to replace the person nominated in the application under section 31 and must immediately notify the Chief Commissioner of that nomination.

Penalty: 20 penalty units.

- (3) A notice under this section must—

- (a) be in writing; and
(b) be accompanied by—

S. 40(3)(b)(i)
substituted by
No. 44/2021
s. 11.

- (i) proof of the identity of the person in the form approved by the Chief Commissioner; and
(ii) a full set of the person's fingerprints.

Penalty: 20 penalty units.

41 Renewal of licences

- (1) Before the expiration of a licence under this Part, the holder may apply to the Chief Commissioner for renewal of the licence.
- (2) A person who is making an application for the renewal of a licence under this Part must make that application to the Chief Commissioner.
- (3) An application must—
- (a) be in a form and manner approved by the Chief Commissioner; and

S. 41(3)(b)
repealed by
No. 78/2005
s. 22.

* * * * *

- (4) An application must be accompanied by—
- (a) a list of all the firearms in the possession of the applicant; and

(b) in the case of an application by a body corporate, if any of the responsible persons has changed during the course of the licence—

(i) proof of the identity of the new persons in the form approved by the Chief Commissioner; and

S. 41(4)(b)(i)
substituted by
No. 44/2021
s. 12.

(ii) a full set of each person's fingerprints.

(5) The applicant must pay the fee prescribed for the category of licence applied for.

41A Continuation of licence during consideration of application for renewal

S. 41A
inserted by
No. 78/2005
s. 23.

If a licence holder has applied for renewal of a licence under section 41 and that application has not been determined before the date of expiry of the licence, the licence is deemed to continue in force, on and from that date, until the determination of the application.

42 General discretion of Chief Commissioner to refuse to renew a licence or to alter or vary the conditions of a licence

(1) The Chief Commissioner may renew or refuse to renew a licence under this Part and, if a licence is to be renewed, the Chief Commissioner may alter or vary the conditions on the licence or impose further conditions on the licence.

(2) The Chief Commissioner must not renew the licence—

(a) if the applicant can no longer demonstrate that he or she has the reason for which the licence was previously issued; or

(b) if the applicant or any responsible person in relation to the application is a prohibited person; or

S. 42(2)(ba)
inserted by
No. 52/2010
s. 12.

- (ba) if the applicant is not ordinarily resident in Victoria unless—
 - (i) the Chief Commissioner is satisfied that the applicant requires the licence for work purposes in Victoria; and
 - (ii) the applicant is not a person to whom section 185(2A) or (2B) applies; or

S. 42(2)(bb)
inserted by
No. 2/2018
s. 11(a).

- (bb) if the Chief Commissioner is satisfied that the applicant is not a fit and proper person on the basis of information known to the Chief Commissioner as to the criminal activities of the applicant; or;

- (c) unless the Chief Commissioner is satisfied that—

S. 42(2)(c)(i)
substituted by
No. 2/2018
s. 11(b).

- (i) in relation to an applicant to which paragraph (bb) does not apply, the applicant is a fit and proper person; and

S. 42(2)(c)(ia)
inserted by
No. 2/2018
s. 11(b).

- (ia) all responsible persons in relation to the application are fit and proper persons; and

- (ii) the applicant can comply with the storage requirements set out by or under the Act; and

S. 42(2)(c)(iii)
amended by
No. 22/1998
s. 16.

- (iii) the renewal of the licence is not against the public interest; or

- (d) for any prescribed reason.

S. 42(3)
inserted by
No. 55/2014
s. 94.

- (3) An applicant, or a responsible person in relation to an application, is presumed not to be a fit and proper person for the purposes of subsection (2)(c)(i) if he or she is a declared organisation member.

- (4) A presumption under subsection (3) may be rebutted.

S. 42(4)
inserted by
No. 55/2014
s. 94.

43 Circumstances in which the Chief Commissioner may alter or vary conditions on a licence

The Chief Commissioner may alter or vary the conditions on the licence—

- (a) if the applicant can no longer demonstrate that he or she has the reason for which, in respect of any of the firearms possessed under the licence, the licence was issued; or
- (b) for any other prescribed reason.

43A Variation of licence for failure to comply with participation condition

S. 43A
inserted by
No. 78/2005
s. 24.

- (1) If—

- (a) the holder of a handgun target shooting licence has failed to comply with section 16(5)(c); and
- (b) the Chief Commissioner has not cancelled the holder's licence for that failure to comply—

S. 43A(1)
amended by
No. 52/2010
s. 13(1).

the Chief Commissioner may vary the licence by imposing a condition that the licence does not authorise the holder to possess, carry or use the relevant class of handgun.

- (1A) The variation of a condition by the Chief Commissioner under subsection (1) remains in force—

S. 43A(1A)
inserted by
No. 52/2010
s. 13(2).

- (a) in the case of a first variation of condition, for a period of 3 months from the date on which the variation is made; or

- (b) in the case of a second or subsequent variation—
 - (i) for the period specified by the Chief Commissioner in the variation, which must be not less than 3 months and not more than 12 months from the date on which the variation is made; or
 - (ii) if the Chief Commissioner does not specify a period in the variation, for a period of 12 months from the date on which the variation is made.
- (2) In this section ***relevant class of handgun*** means the class of handgun in respect of which the licence holder failed to comply with section 16(5)(c).
- (3) The holder of a handgun target shooting licence whose licence has been varied under subsection (1) may apply to the Committee for a review of the decision of the Chief Commissioner to vary the licence.

S. 43B
inserted by
No. 52/2010
s. 14.

43B Review of decision as to period of variation

A person may apply to the Committee for a review of a decision of the Chief Commissioner as to the period of time specified by the Chief Commissioner under section 43A(1A)(b)(i).

S. 44
amended by
No. 2/2018
s. 12(2) (ILA
s. 39B(1)).

44 Review of a decision not to renew a licence

- (1) A non-prohibited person who has applied for a renewal of a licence under this Part may apply to the Committee for a review of a decision of the Chief Commissioner—

S. 44(1)(a)
amended by
No. 2/2018
s. 12(1).

- (a) not to renew that licence, other than for the ground specified in section 42(2)(bb); or

(b) to alter or vary any of the conditions on the licence.

- (2) A non-prohibited person who has applied for a renewal of a licence under this Part may apply to VCAT for a review of a decision of the Chief Commissioner not to renew a licence on the ground specified in section 42(2)(bb).

S. 44(2)
inserted by
No. 2/2018
s. 12(2).

45 Disposal of firearms where licence not renewed

- (1) A person whose licence is not renewed does not commit an offence under this Part if he or she possesses or carries a firearm held under that licence—
- (a) if no application for review has been made against the decision not to renew the licence, for 28 days after the licence expires, for the purposes of disposing of the firearm; or
- (b) if an application for review has been made against the decision not to renew the licence, for 28 days after the confirmation of the decision, for the purposes of disposing of the firearm.
- (2) If a condition on a licence is altered or varied under section 43, the holder of the licence does not commit an offence under this Part if he or she possesses or carries a firearm held under that licence which must be disposed of because of that alteration or variation for a period of 28 days after the alteration or variation for the purposes of disposing of the firearm.
- (3) A person who is disposing of a category A or B longarm in the circumstances to which subsection (1) or (2) applies must dispose of that firearm to a licensed firearms dealer.

S. 45(1)
substituted by
No. 26/1997
s. 22.

Penalty: 60 penalty units or 12 months imprisonment.

S. 45(4)
amended by
No. 28/2003
s. 22(1).

- (4) A person who is disposing of a category C or D longarm or a general category handgun in the circumstances to which subsection (1) or (2) applies must dispose of that firearm to a licensed firearms dealer.

Penalty: 120 penalty units or 2 years imprisonment.

S. 45(5)
amended by
No. 28/2003
s. 22(2).

- (5) A person who is disposing of a category E longarm or a category E handgun in the circumstances to which subsection (1) or (2) applies must dispose of that firearm in the manner specified in the licence.

Penalty: 240 penalty units or 4 years imprisonment.

Division 9—Suspension and cancellation of licences under this Part

46 Immediate cancellation of a licence

S. 46(1)
amended by
Nos 50/2007
s. 15, 68/2008
s. 71, 27/2018
s. 359(2).

- (1) Immediately on becoming aware that—
(a) the holder of the licence under this Part; or
(b) in the case of a licence which is held by a body corporate, any officer of the body corporate—

is a prohibited person (other than for the reason referred to in paragraph (c)(i), (c)(ib) or (cc)(ii) of the definition of **prohibited person**) the Chief Commissioner must cancel the licence.

- (2) The Chief Commissioner must notify the holder of the licence of the cancellation of the licence, either personally or by post.

S. 46A
inserted by
No. 52/2010
s. 15.

46A Cancellation of licence held by non-resident

- (1) If the Chief Commissioner is satisfied that the holder of a licence under this Part is not ordinarily resident in Victoria and does not require the

licence for work purposes in Victoria, the Chief Commissioner must cancel the licence.

- (2) The Chief Commissioner must give written notification to the holder of the licence of the cancellation of the licence.
- (3) Subject to subsection (4), the holder of the licence may apply to the Committee for a review of the decision of the Chief Commissioner to cancel the licence.
- (4) An application to the Committee under subsection (3) may only be made on the ground that the holder of the licence that has been cancelled is ordinarily resident in Victoria or that the holder of the licence requires the licence for work purposes in Victoria.

46B Immediate cancellation under National Domestic Violence Order Scheme Act 2016

S. 46B
inserted by
No. 53/2016
s. 99.

- (1) If a licence is cancelled under section 19(2) of the **National Domestic Violence Order Scheme Act 2016**, the Chief Commissioner must serve a notice of the cancellation of the licence on the holder of the licence, either personally or by post.
- (2) Cancellation of the licence by the Chief Commissioner has effect from the time at which notice of the cancellation is served on the licence holder.

47 Suspension of a licence and notice of proposal to cancel

- (1) If the Chief Commissioner is satisfied that there may be grounds for cancelling a licence under section 49 the Chief Commissioner may suspend the licence.
- (2) The Chief Commissioner must serve notice of the suspension of the licence on the holder of the licence either personally or by post.

- (3) A notice under subsection (2) must—
- (a) state that the licence is suspended; and
 - (b) state that the Chief Commissioner is satisfied that there are grounds for the cancellation of the licence; and
 - (c) set out those grounds; and
 - (d) state that the holder of the licence may make written submissions on the proposal and that any written submissions made must be made within 28 days of the giving of the notice.
- (4) A suspension under this section remains in force—
- (a) if the Chief Commissioner decides to cancel the licence, until the coming into effect of the cancellation; or
 - (b) if the Chief Commissioner decides not to cancel the licence, until the making of that decision.
- (5) The holder of a licence, whose licence is suspended is deemed not to be the holder of a licence for the period of the suspension.

S. 47A
inserted by
No. 50/2007
s. 16.

47A Suspension of licence—certain prohibited persons

S. 47A(1)
amended by
No. 68/2008
s. 72.

- (1) Immediately on becoming aware that the holder of a licence under this Part is a prohibited person for the reason referred to in paragraph (c)(i) or (c)(ib) of the definition of ***prohibited person***, the Chief Commissioner must suspend the holder's licence.
- (2) If the holder of a licence that has been suspended under subsection (1) makes an application under section 189 within 3 months of the suspension, the suspension remains in force until the outcome of the application has been finally determined, or if

the Chief Commissioner must cancel the licence under section 49(4), until the cancellation takes effect.

48 Making of submissions

- (1) The holder of a licence who has been notified under section 47 may make written submissions on the proposal to cancel the licence.
- (2) Submissions made under subsection (1) must be made within 28 days of the holder being notified.

49 Power of Chief Commissioner to cancel licence under this Part

S. 49
amended by
No. 28/2003
s. 23(1)(a).

- (1) The Chief Commissioner may cancel a licence suspended under section 47 if, after considering any submissions made within the time fixed for making submissions, the Chief Commissioner is satisfied that—
 - (a) the holder no longer has the reason specified in the licence for holding the licence; or
 - (b) the holder has failed to notify the Chief Commissioner of a change of his or her address; or
 - (c) the holder has knowingly supplied false or misleading information in a material particular in, or in connection with the application for the licence or renewal of the licence; or
 - (d) the holder has contravened or failed to comply with a condition of the licence, that is not a condition set out in section 16(3) and (4) or section 16(5) and (6); or
 - (e) the holder has contravened or failed to comply with any requirement for the storage of firearms possessed, carried or used under the licence; or

S. 49(1)(d)
amended by
Nos 28/2003
s. 23(1)(b),
107/2003
s. 5(a).

S. 49(1)(f)
substituted by
No. 2/2018
s. 13.

(f) the holder of the licence is not a fit and proper person on the basis of information known to the Chief Commissioner as to the criminal activities of the holder; or

S. 49(1)(fa)
inserted by
No. 28/2003
s. 23(1)(c),
substituted by
No. 2/2018
s. 13.

(fa) in relation to a holder to which paragraph (f) does not apply, the holder is no longer a fit and proper person on any other basis; or

S. 49(1)(fb)
inserted by
No. 2/2018
s. 13.

(fb) any responsible person in relation to the licence is not a fit and proper person; or

(g) the holder of the licence cannot carry on, or be employed in the business without being a danger to public safety or peace; or

(h) the holder of the licence or a responsible person in relation to the licence has contravened a provision of this Act or the regulations; or

S. 49(1)(ha)
inserted by
No. 28/2003
s. 23(1)(d).

(ha) the holder has, through his or her negligence or fraud, caused a firearm to be lost or stolen; or

(i) the holder is no longer entitled to hold the licence for any other prescribed reason.

S. 49(2)
inserted by
No. 28/2003
s. 23(2),
amended by
No. 107/2003
s. 5(b).

(2) If the holder of a general category handgun licence is a holder to whom the condition set out in section 16(3) and (4) applies, the Chief Commissioner must cancel that licence if the holder has failed to comply with that condition.

S. 49(2A)
inserted by
No. 55/2014
s. 95.

(2A) A holder of a licence, or a responsible person in relation to a licence, is presumed not to be a fit and proper person for the purposes of subsection (1)(f) if he or she is a declared organisation member.

- | | |
|--|---|
| (2B) A presumption under subsection (2A) may be rebutted. | S. 49(2B)
inserted by
No. 55/2014
s. 95. |
| (3) If the holder of a general category handgun licence is a holder to whom the condition set out in section 16(5) and (6) applies, the Chief Commissioner— | S. 49(3)
inserted by
No. 28/2003
s. 23(2),
amended by
No. 107/2003
s. 5(c)(i). |
| (a) must cancel that licence if the holder has failed to comply with section 16(5)(d); and | S. 49(3)(a)
amended by
No. 107/2003
s. 5(c)(ii). |
| (b) may cancel that licence if the holder has failed to comply with section 16(5)(c). | S. 49(3)(b)
amended by
No. 107/2003
s. 5(c)(iii). |
| (4) The Chief Commissioner must cancel a licence that has been suspended under section 47A(1) on the expiry of 3 months after the suspension of the licence, unless the holder of the licence makes an application under section 189 before the expiry of the 3 month period for a declaration referred to in— | S. 49(4)
inserted by
No. 50/2007
s. 17,
amended by
No. 52/2008
s. 246(1),
substituted by
No. 68/2008
s. 73(1). |
| (a) section 189(1)(a) or (1)(b); or | |
| (b) section 189(1AA)(a) or (1AA)(b). | |
| (5) In the case of a person whose licence has been suspended and who makes an application under section 189, the Chief Commissioner must cancel the licence unless— | S. 49(5)
inserted by
No. 50/2007
s. 17. |
| (a) the court makes a declaration referred to in subsection (1)(a) or (1AA)(a); or | S. 49(5)(a)
amended by
Nos 52/2008
s. 246(2),
68/2008
s. 73(2). |

S. 49(5)(b)
amended by
Nos 52/2008
s. 246(3),
68/2008
s. 73(3).

(b) the court makes a declaration referred to in subsection (1)(b) or (1AA)(b) deeming the holder of the licence to be a prohibited person for limited purposes and the purpose for which the person is deemed not to be a prohibited person is the purpose for which the licence is issued.

S. 49A
inserted by
No. 52/2010
s. 16.

49A Restrictions on application for licence following cancellation

- (1) This section applies if the Chief Commissioner cancels a licence under section 49.
- (2) The Chief Commissioner may specify a period of time (not being more than 12 months after the date of cancellation) within which the person who held the licence is not entitled to apply for such a licence.
- (3) If the Chief Commissioner does not specify a period, the person who held the licence is not entitled to apply for such a licence for a period of 12 months after the date of cancellation.
- (4) If the person who held the licence applies for the same category of licence, the application is taken to be an application for a new licence and not for the renewal of the licence that was cancelled.

S. 49B
inserted by
No. 52/2010
s. 16.

49B Review of decision as to period of disqualification

A person whose licence has been cancelled under section 49 may apply to the Committee for a review of a decision of the Chief Commissioner under section 49A(2) specifying the period of time within which the person is not entitled to apply for such a licence.

S. 50
amended by
Nos 28/2003
s. 24, 2/2018
s. 14(1)(2) (ILA
s. 39B(1)).

50 Review of decision to cancel a licence

- (1) The holder of a licence under this Part whose licence has been cancelled by the Chief Commissioner under section 49(1), on any ground

set out in that subsection other than the ground set out in paragraph (f) may, if the holder is a non-prohibited person, apply to the Committee for a review of that decision.

- (2) A non-prohibited person who is the holder of a licence under this Part that has been cancelled by the Chief Commissioner on the ground specified in section 49(1)(f) may apply to VCAT for a review of the decision to cancel the licence.

S. 50(2)
inserted by
No. 2/2018
s. 14(2).

51 Notice of Chief Commissioner's decision

- (1) The Chief Commissioner must notify the holder of the licence as to whether or not he or she has decided to cancel the licence under section 49(1), other than paragraph (f), and must set out the reasons for that decision in the notice.

S. 51(1)
amended by
Nos 28/2003
s. 25(1),
2/2018
s. 15(1).

- (1A) If the Chief Commissioner has cancelled a licence under section 49(1)(f), (2) or (3), the Chief Commissioner must so notify the holder.

S. 51(1A)
inserted by
No. 28/2003
s. 25(2),
amended by
No. 2/2018
s. 15(2).

- (2) A notice under subsection (1) or (1A) may be served on the licence holder either personally or by post.

S. 51(2)
amended by
No. 28/2003
s. 25(3).

52 Coming into effect of cancellation

Cancellation of a licence under this Part by the Chief Commissioner has effect from the time at which notice of the cancellation is served on the licence holder.

52AA Chief Commissioner to notify approved handgun target shooting club or employer of certain events

S. 52AA
inserted by
No. 50/2007
s. 18.

- (1) If the Chief Commissioner cancels, suspends or suspends and subsequently decides not to cancel a licence under any of the following sections, the Chief Commissioner must, as soon as practicable

after cancelling, suspending or deciding not to cancel a licence, give notice of the cancellation, suspension or subsequent decision not to cancel to any person, of whom the Chief Commissioner is aware, who employs the holder of the licence to perform duties for which the licence is required—

- (a) section 15(1)(a) or 15(1)(c); or
 - (b) section 10(1)(c), 10(1)(d) or 10(1)(e); or
 - (c) section 10(1)(b) for the purpose set out in section 10(2)(b)(iv).
- (2) If the Chief Commissioner cancels, suspends or suspends and subsequently decides not to cancel a licence under any of the following sections, the Chief Commissioner must, as soon as practicable after cancelling, suspending or deciding not to cancel a licence, give notice of the cancellation, suspension or subsequent decision not to cancel to each club of which the Chief Commissioner is aware that the holder of the licence is a member for purposes related to the reason for which he or she is the holder of the licence—
- (a) section 15(1)(b) or 15(1)(d); or
 - (b) section 10(1)(a); or
 - (c) section 10(1)(b) for the purpose set out in section 10(2)(b)(ia); or
 - (d) section 18(1); or
 - (e) section 21(1), 21A(1), 21B(1) or 28(1).

Division 9A—Surrender and seizure of firearms etc.

Pt 2 Div. 9A
(Heading)
inserted by
No. 78/2005
s. 25.

52A Power of Chief Commissioner to require the holder of a general category handgun licence to surrender certain handguns for failure to comply with participation condition

S. 52A
inserted by
No. 28/2003
s. 26.

(1) If—

(a) the holder of a general category handgun licence is a holder to whom the condition set out in section 16(5) and (6) applies; and

S. 52A(1)(a)
amended by
No. 107/2003
s. 6(a).

(b) the holder has failed to comply with subsection (5)(c); and

S. 52A(1)(b)
amended by
No. 107/2003
s. 6(b).

(c) the Chief Commissioner has not cancelled the holder's licence for that failure to comply—

the Chief Commissioner may require the holder to surrender—

(d) any handgun in respect of which the failure to comply has taken place; and

(e) any ammunition in that person's possession that is capable of being used in that handgun, if the ammunition is not capable of being used in another firearm that is registered to that person and possessed by that person under a licence issued under this Part.

(2) If the Chief Commissioner has decided to impose a requirement under subsection (1), the Chief Commissioner must so notify the holder of the licence.

S. 52B
inserted by
No. 28/2003
s. 26.

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

52B Power of Chief Commissioner to require the holder of a category 1 or category 2 firearms collectors licence to surrender certain handguns for failure to comply with certain conditions

- (1) If—

- (a) the holder of a category 1 or category 2 firearms collectors licence has failed to comply with the condition set out in section 22(2)(a); and
- (b) the Chief Commissioner has not cancelled the holder's licence for that failure to comply—

the Chief Commissioner may require the holder to surrender—

- (c) any handgun in respect of which the failure to comply has taken place; and
 - (d) any ammunition in that person's possession that is capable of being used in that handgun.
- (2) If the Chief Commissioner has decided to impose a requirement under subsection (1), the Chief Commissioner must so notify the holder of the licence.
- (3) A notice under subsection (1) may be served on the holder either personally or by post.

53 Surrender of firearms and licence document

- (1) If a licence under this Part is suspended or cancelled, the holder must—

- (a) if served personally with notice of the suspension or cancellation, immediately surrender any firearm or cartridge ammunition in that person's possession and

S. 53(1)(a)
amended by
No. 22/1998
s. 43(Sch.
item 3).

the licence document to the person serving the notice; and

- (b) if served by post with notice of the suspension or cancellation, within 7 days of service of the notice, surrender any firearm or cartridge ammunition in that person's possession and the licence document to a police station.

S. 53(1)(b)
amended by
No. 22/1998
s. 43(Sch.
item 3).

Penalty: 240 penalty units or 4 years imprisonment.

- (2) If a police officer has reasonable grounds for believing that a person has not complied with subsection (1), the police officer—

S. 53(2)
amended by
No. 37/2014
s. 10(Sch.
item 63.2).

- (a) must seize any firearm or cartridge ammunition which the police officer is aware is in the possession of the person; and

S. 53(2)(a)
amended by
Nos 22/1998
s. 43(Sch.
item 3),
37/2014
s. 10(Sch.
item 63.2(b)).

- (b) may, at any reasonable time, without warrant, enter and search any premises where the person resides or has resided for the purpose of seizing any such firearm or cartridge ammunition.

S. 53(2)(b)
amended by
No. 22/1998
s. 43(Sch.
item 3).

- (3) Despite the surrender or seizure of a firearm or cartridge ammunition under this section the person who has surrendered the firearm or cartridge ammunition or from whom the firearm or cartridge ammunition has been seized continues to be the owner of the firearm or cartridge ammunition.

S. 53(3)
amended by
No. 22/1998
s. 43(Sch.
item 3).

S. 53(4)
substituted by
No. 26/1997
s. 23,
amended by
Nos 84/1997
s. 43, 22/1998
s. 43(Sch.
item 3).
S. 53(4)(a)
substituted by
No. 52/2008
s. 247.

(4) If a person has surrendered a firearm or cartridge ammunition under this section or if a firearm or cartridge ammunition has been seized from a person under this section, that person must dispose of that firearm or cartridge ammunition to a licensed firearms dealer—

(a) if the surrender or seizure is as a consequence of the making of a final order under the **Family Violence Protection Act 2008**—

(i) within 3 months of the making of the order; or

(ii) if an application for a declaration under section 189 has been made within 3 months of the making of the order, within 28 days of a decision not to make that declaration; or

(ab) if the surrender or seizure is as a consequence of the making of a final order under the **Personal Safety Intervention Orders Act 2010**—

(i) within 3 months of making the order; or

(ii) if an application for a declaration under section 189 has been made within 3 months of the making of the order, within 28 days of a decision not to make that declaration; or

S. 53(4)(ab)
inserted by
No. 68/2008
s. 74,
amended by
No. 53/2010
s. 221(Sch.
item 5.2).

(ac) if the surrender or seizure is as a consequence of the making of a supervision order or an interim supervision order under the **Serious Offenders Act 2018**—

(i) within 3 months of the making of the order; or

S. 53(4)(ac)
inserted by
No. 27/2018
s. 359(3).

- (ii) if an application for a declaration under section 189 has been made within 3 months of the making of the order, within 28 days of a decision not to make that declaration; or
- (b) if the surrender or seizure is as a consequence of a decision of the Chief Commissioner to cancel or suspend a licence—
 - (i) if no application for review has been made against the decision, within 28 days of the making of the decision; or
 - (ii) if an application for review of the decision has been made, within 28 days of the confirmation of the decision under that procedure; or
 - (iii) if an application for a declaration has been made under section 189(1A) within 56 days of the making of the decision, within 28 days of the making of a decision not to make that declaration; or
- (c) if the surrender or seizure is as a consequence of any other cancellation of a licence, within 28 days of the cancellation.

Penalty: 60 penalty units or 12 months imprisonment.

(5) If a person—

- (a) has made an application for a declaration under section 189 before the commencement of this section but that application has not been determined before that commencement; or

S. 53(4)(b)(iii)
inserted by
No. 22/1998
s. 17(1).

S. 53(5)
inserted by
No. 26/1997
s. 23.

- (b) makes an application for a declaration under section 189 within 56 days of the commencement of this section—

for the purposes of subsection (4)(a)(ii), that person is deemed to have made that application within 56 days of the making of the order.

S. 53(6)
inserted by
No. 22/1998
s. 17(2).

- (6) If a person makes an application for a declaration under section 189(1A) within 56 days of the commencement of section 39 of the **Firearms (Amendment) Act 1998**, for the purposes of subsection (4)(b)(iii), that person is deemed to have made that application within 56 days of the making of the decision.

S. 53A
inserted by
No. 28/2003
s. 27.

53A Surrender of handguns for failure to comply with participation condition

- (1) If the holder of a general category handgun licence has been served with a notice from the Chief Commissioner under section 52A, the holder must—
- (a) if served personally with the notice, immediately surrender any handgun and ammunition referred to in the notice to the person serving the notice; or
 - (b) if served by post with the notice, within 7 days of the service of the notice, surrender any handgun and ammunition referred to in the notice to a police station.
- (2) If a police officer has reasonable grounds for believing that a person has not complied with subsection (1), the police officer—

S. 53A(2)
amended by
No. 37/2014
s. 10(Sch.
item 63.3).

S. 53A(2)(a)
amended by
No. 37/2014
s. 10(Sch.
item 63.3(b)).

- (a) must seize from the person any handgun and ammunition referred to in the notice, if the police officer is aware that any such handgun

and any such ammunition is in the possession of the person; and

- (b) may, at any reasonable time, without warrant, enter and search any premises where the person resides or has resided for the purpose of seizing any such handgun or ammunition.
- (3) Despite the surrender or seizure of a handgun or ammunition under this section, the person who has surrendered the handgun or ammunition or from whom the handgun or ammunition has been seized continues to be the owner of the handgun or ammunition.
- (4) If a person has surrendered a handgun or ammunition under this section or if a handgun or ammunition has been seized from a person under this section, that person must dispose of that handgun or ammunition to a licensed firearms dealer within 56 days of service of the notice from the Chief Commissioner under section 52A.

S. 53A(4)
inserted by
No. 78/2005
s. 26.

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

S. 53B
inserted by
No. 28/2003
s. 27.

- (1) If the holder of a category 1 or category 2 firearms collectors licence has been served with a notice from the Chief Commissioner under section 52B, the holder must—
 - (a) if served personally with the notice, immediately surrender any handgun and ammunition referred to in the notice to the person serving the notice; or
 - (b) if served by post with the notice, within 7 days of the service of the notice, surrender any handgun and ammunition referred to in the notice to a police station.

S. 53B(2)
amended by
No. 37/2014
s. 10(Sch.
item 63.4).

- (2) If a police officer has reasonable grounds for believing that a person has not complied with subsection (1), the police officer—

S. 53B(2)(a)
amended by
No. 37/2014
s. 10(Sch.
item 63.4(b)).

- (a) must seize from the person any handgun and ammunition referred to in the notice, if the police officer is aware that any such handgun and any such ammunition is in the possession of the person; and
- (b) may, at any reasonable time, without warrant, enter and search any premises where the person resides or has resided for the purpose of seizing any such handgun or ammunition.

- (3) Despite the surrender or seizure of a handgun or ammunition under this section, the person who has surrendered the handgun or ammunition or from whom the handgun or ammunition has been seized continues to be the owner of the handgun or ammunition.

S. 53B(4)
inserted by
No. 50/2007
s. 19.

- (4) If a person has surrendered a handgun or ammunition under this section or if a handgun or ammunition has been seized from a person under this section, that person must dispose of that handgun or ammunition to a licensed firearms dealer within 56 days of service of the notice from the Chief Commissioner under section 52B.

Pt 2 Div. 10
(Heading)
amended by
No. 78/2005
s. 27.

Division 10—Exemptions, permits and provisional licences

S. 54
amended by
No. 28/2003
s. 28 (ILA
s. 39B(1)).

54 Persons who are exempt from the Part

- (1) Any non-prohibited person who is of a category of persons specified in an item in Column 1 of Schedule 3 who possesses, carries or uses a

registered firearm in the circumstances set out in that item in Column 2 of Schedule 3 does not commit an offence against section 6 or 7 for so doing and is not required to hold a licence under this Part.

- (1A) A non-prohibited person does not commit an offence against section 7 and is not required to hold a licence under this Part when carrying or using a general category handgun at an approved shooting range, if the person is receiving instruction in the use of a general category handgun and—
- (a) the person is of or over 12 years of age; and
 - (b) the instruction is being given by or under the immediate supervision of the holder of a general category handgun licence; and
 - (c) the person has not received any such instruction on more than 13 previous occasions; and
 - (d) if the person receiving instruction is of or over the age of 18 years, the person is receiving the instruction for the purpose of obtaining a general category handgun licence for a reason set out in section 15(1); and
 - (e) if the person receiving instruction is under the age of 18 years—
 - (i) the person giving the instruction has written consent to give the instruction from a parent or guardian of the person who is receiving the instruction; and
 - (ii) the person receiving the instruction has written consent of the person's parent or guardian to receive the instruction.

S. 54(1A)
inserted by
No. 2/2018
s. 16(1).

S. 54(2)
inserted by
No. 28/2003
s. 28,
substituted by
No. 78/2005
s. 28,
amended by
Nos 50/2007
s. 20(1),
2/2018
s. 16(2).

- (2) If a person receives instruction in the use of a general category handgun in accordance with the exemption set out in subsection (1A), the person who gives the instruction, must, on each occasion on which that person gives that instruction, so notify the Chief Commissioner in the form approved by the Chief Commissioner.

S. 54(3)
inserted by
No. 28/2003
s. 28.

- (3) A notification under subsection (2) must—

S. 54(3)(a)
amended by
No. 50/2007
s. 20(2).

- (a) contain any information as to the identity of the person and the person who has given the instruction that the Chief Commissioner requires; and
- (b) be signed by the person giving the notice; and
- (c) must be given to the Chief Commissioner within 7 days of the day on which the person receives the instruction.

S. 54(4)
inserted by
No. 28/2003
s. 28,
substituted by
No. 50/2007
s. 20(3).

- (4) As part of a notification under subsection (2), the Chief Commissioner may require the person giving the notification to make a declaration—
- (a) that he or she has questioned the person as to whether or not the person is a prohibited person; and
 - (b) that he or she has questioned the person as to the number of occasions on which the person has received instruction in the use of a general category handgun; and
 - (c) that based on the answers he or she received in response to those questions, and on any other relevant facts available to him or her—
 - (i) whether or not he or she believes that the person is a prohibited person; and

- (ii) the number of occasions on which he or she believes that the person has received instruction in the use of a general category handgun.

- (5) A person must not give false information in a notification under subsection (2).

S. 54(5)
inserted by
No. 28/2003
s. 28.

Penalty: 120 penalty units or 2 years imprisonment.

- (6) A person who is questioned under subsection (4) must not knowingly or recklessly give false information in response to a question asked of him or her under that subsection.

S. 54(6)
inserted by
No. 50/2007
s. 20(4).

Penalty: 120 penalty units or 2 years imprisonment.

54AA Health service workers who are exempt from this Part

S. 54AA
inserted by
No. 52/2010
s. 17.

- (1) A health professional or health service security guard who is not a prohibited person and who possesses or carries a firearm in a health service facility in the circumstances set out in subsection (3) does not commit an offence against section 6, 6A, 7, 7A or 7B for so doing and is not required to hold a licence under this Part.
- (2) An ambulance officer who is not a prohibited person and who possesses or carries a firearm in a health service facility or public place in the circumstances set out in subsection (3) does not commit an offence against section 6, 6A, 7, 7A, 7B or 130(1) for so doing and is not required to hold a licence under this Part.
- (3) For the purposes of subsections (1) and (2), the circumstances are that the health professional, health service security guard or ambulance worker—

- (a) is carrying out his or her duties as a health professional, health service security guard or ambulance worker, as the case may be; and
- (b) either—
 - (i) is given the firearm by a patient; or
 - (ii) removes the firearm from a patient; or
 - (iii) finds the firearm in the vicinity of the patient; or
 - (iv) is given the firearm by a health professional or ambulance worker who has taken possession of the firearm in the circumstances set out in this subsection.

S. 54AA(4)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

- (4) A health professional, health security guard or ambulance worker who takes possession of a firearm in the circumstances set out in subsection (3) must notify a police officer as soon as practicable after having taken possession of the firearm.
- (5) The possession or carriage of a firearm by a health security guard in a health services facility in the circumstances set out in subsection (3) does not affect the operation of any licence held by the health security guard under this Part as a requirement of his or her work or contravene any conditions to which the licence is subject.
- (6) In this section—

ambulance worker means an operational staff member of the ambulance services as defined in the **Ambulance Services Act 1986**;

health professional means—

- (a) a registered medical practitioner;
- (b) a nurse or midwife;

(c) a registered psychologist;

health security guard means a security guard licensed under the **Private Security Act 2004** when working in a health service facility as a contractor or an employee;

health service facility means—

- (a) a day procedure centre; or
- (b) a denominational hospital; or
- (c) a multi purpose service; or
- (d) a private hospital; or
- (e) a public health service; or
- (f) a public hospital—

as defined in the **Health Services Act 1988**.

54AB Exemption of person exercising power under the Education and Training Reform Act 2006

S. 54AB
inserted by
No. 11/2011
S. 7.

- (1) A person who possesses or carries a firearm in a Government school or public place in the circumstances set out in subsection (2) does not commit an offence against section 6, 6A, 7, 7A or 7B for so doing and is not required to hold a licence under this Part.
- (2) For the purposes of subsection (1), the circumstances are that the person—
 - (a) is exercising a power under Part 5.8A of the **Education and Training Reform Act 2006**; and
 - (b) is not a prohibited person.
- (3) If a firearm has been seized under Part 5.8A of the **Education and Training Reform Act 2006** in the circumstances set out in subsection (2), the principal must, as soon as possible—

S. 54AB(3)(a)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

- (a) advise a police officer of the seizure of the item; and

S. 54AB(3)(b)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

- (b) if so requested by the police officer, surrender the item to a police officer.

- (4) In this section, **public place** includes any premises where students are engaged in a teacher supervised activity.

S. 54A
inserted by
No. 78/2005
s. 29.

54A Exemptions from certain licence conditions

- (1) The Chief Commissioner may exempt the holder of a handgun target shooting licence from being required to comply with a condition specified in section 16(2), (3) or (5), if the Chief Commissioner is satisfied that the person is unable to do so because—
 - (a) the person has a temporary physical incapacity; or
 - (b) the person is to be absent from the State for a substantial period of time; or
 - (c) for any other reasonable reason.
- (2) An exemption under this section remains in force for the period specified by the Chief Commissioner in the exemption.
- (3) In granting an exemption under this section the Chief Commissioner must determine whether the handguns to which the exemption applies are to be stored, during the period for which the exemption remains in force—
 - (a) by the holder of the licence; or
 - (b) by another person in accordance with a permit under section 121A.

55 Employees of licensed firearms dealers

A person who is employed by a licensed firearms dealer in the carrying on of the business does not commit an offence against section 6 or 7 for anything done during the course of and for the purposes of that employment.

56 Permits to display firearms or ammunition collections

- (1) If the holder of a firearms collectors licence (other than an antique handgun collectors licence) or a firearms ammunition collectors licence displays all or any of the firearms or cartridge ammunition in his or her collection, whether or not at the premises specified in the licence or at any other premises, the holder of the licence does not commit an offence against section 6, 7 or 8 or Part 6 if he or she has first obtained a permit from the Chief Commissioner to do so.

S. 56(1)
amended by
Nos 22/1998
s. 43(Sch.
item 4(a)),
78/2005
s. 30(1).

- (1A) The Chief Commissioner must not grant a permit under subsection (1) to the holder of a firearms collectors licence to display firearms or cartridge ammunition at a premises, if an approved firearms collectors club has been granted a permit under section 56A(1) that specifies the premises and the licence holder's name.

S. 56(1A)
inserted by
No. 50/2007
s. 21.

- (2) The Chief Commissioner may grant a permit under subsection (1), if the Chief Commissioner is satisfied that the arrangements made for the secure storage of the firearms or cartridge ammunition while on display are adequate.

S. 56(2)
amended by
No. 22/1998
s. 43(Sch.
item 4(b)).

- (3) A permit authorises—

- (a) display of the firearms or cartridge ammunition at the premises specified in the permit and for the period specified in the permit; and

S. 56(3)(a)
amended by
No. 22/1998
s. 43(Sch.
item 4(b)).

S. 56(3)(b)
amended by
No. 22/1998
s. 43(Sch.
item 4(b)).

(b) carriage of the firearms or cartridge
ammunition for the purposes of the display.

S. 56(4)
amended by
No. 22/1998
s. 43(Sch.
item 4(b)).

(4) A permit to display firearms or cartridge
ammunition at the premises specified in the
licence is subject to the conditions fixed in the
permit.

S. 56(5)
amended by
No. 22/1998
s. 43(Sch.
item 4(b)).

(5) A permit to display firearms or cartridge
ammunition at premises other than the premises
specified in the licence is subject to any
conditions imposed on that permit or on permits
in the nature of that permit by the Chief
Commissioner.

S. 56(5A)
inserted by
No. 78/2005
s. 30(2).

(5A) The conditions that the Chief Commissioner may
impose on a permit under this section may include
conditions for or with respect to—

(a) the circumstances in which the Chief
Commissioner may cancel or suspend the
permit and any other matters related to any
such cancellation or suspension; and

(b) the length or term of the permit and any
related matters.

(6) An application for a permit must be made in the
manner and form approved by the Chief
Commissioner.

(7) The applicant must pay the fee prescribed for such
a permit.

(8) The holder of the permit must comply with the
permit.

Penalty: 60 penalty units or 12 months
imprisonment.

56A Permits to display firearms or ammunition collections—Approved firearms collectors clubs

S. 56A
inserted by
No. 50/2007
s. 22.

- (1) The Chief Commissioner may grant a permit to an approved firearms collectors club that authorises each holder of a firearms collectors licence, whose name and licence number is specified in the permit, to display firearms and cartridge ammunition possessed or carried under his or her licence at the premises specified in the permit.
- (2) The Chief Commissioner may grant a permit under subsection (1), if the Chief Commissioner is satisfied that the arrangements made for the secure storage of the firearms and cartridge ammunition while on display are adequate.
- (3) A person who holds a firearms collectors licence and who displays firearms and cartridge ammunition at the premises specified in a permit granted under subsection (1) does not commit an offence under section 6, 7 or 8 or Part 6 when acting under or in accordance with the permit.
- (4) A permit authorises—
 - (a) display of the firearms or cartridge ammunition at the premises specified in the permit and for the period specified in the permit; and
 - (b) carriage of the firearms or cartridge ammunition for the purposes of the display.
- (5) A permit to display firearms or cartridge ammunition at the premises specified in the licence is subject to the conditions fixed in the permit.
- (6) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.

- (7) The conditions that the Chief Commissioner may impose on the permit under this section may include conditions for or with respect to—
- (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to such cancellation or suspension; and
 - (b) the length or term of the permit and any related matters.
- (8) An application for a permit must—
- (a) be made in the manner and form approved by the Chief Commissioner; and
 - (b) be accompanied by the name and licence number of each holder of a firearms collectors licence who proposes to display firearms and cartridge ammunition at the premises specified in the permit.
- (9) The applicant must pay the prescribed fee for such a permit.
- (10) The holder of the permit must comply with the permit.
- Penalty: 60 penalty units or 12 months imprisonment.
- (11) A licence holder whose name is specified in the permit must comply with the permit.
- Penalty: 60 penalty units or 12 months imprisonment.
- (12) The holder of the permit must, before any firearms or cartridge ammunition are displayed under the permit, notify in writing each licence holder whose name is specified in the permit of the conditions to which the permit is subject (if any).
- Penalty: 60 penalty units or 12 months imprisonment.

57 Permits to possess, carry or use silencers or prescribed items

(1) A non-prohibited person must not possess, carry or use a—

- (a) silencer; or
- (b) prescribed item—

unless that person does so under and in accordance with a permit issued under this section.

Penalty: 120 penalty units or 2 years imprisonment.

(2) The Chief Commissioner may grant a permit to a person who is of or over the age of 18 years to possess, carry or use—

- (a) a silencer; or
- (b) a prescribed item.

(3) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.

(3A) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—

**S. 57(3A)
inserted by
No. 78/2005
s. 31.**

- (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to any such cancellation or suspension; and
- (b) the length or term of the permit and any related matters.

(4) An application for a permit must be in the form approved by the Chief Commissioner.

(5) The applicant must pay the prescribed fee for such a permit.

- (6) The holder of the permit must comply with the permit.

Penalty: 120 penalty units or 2 years imprisonment.

S. 57A
inserted by
No. 78/2005
s. 65 (as
amended by
No. 50/2007
s. 58).

57A Permit for holder of handgun security guard licence to possess, carry or use restricted ammunition

- (1) The holder of a handgun security guard licence must not possess, carry or use any restricted ammunition for any handgun he or she possesses, carries or uses under the licence unless that person does so under and in accordance with a permit issued under this section.

Penalty: 60 penalty units or 12 months imprisonment.

- (1A) Subsection (1) does not apply to the holder of a handgun security guard licence who possesses, carries or uses restricted ammunition that is not factory manufactured for a handgun which he or she possesses, carries or uses under the licence, in the course of training as a security guard.
- (2) The Chief Commissioner may grant a permit to the holder of a handgun security guard licence to possess, carry or use restricted ammunition.
- (3) The Chief Commissioner must not grant a permit under this section unless the Chief Commissioner reasonably believes that there is an exceptional and legitimate reason for doing so.
- (4) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—
- (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to any such cancellation or suspension; and

(b) the length or term of the permit and any related matters.

- (5) An application for a permit must be in the form approved by the Chief Commissioner.
- (6) The applicant must pay the prescribed fee for such a permit.
- (7) The holder of the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

57B Permits to assist in emergency or natural disaster

S. 57B
inserted by
No. 52/2010
s. 18.

- (1) The Chief Commissioner may grant to a person a permit to possess, carry or use a category of firearm if—
 - (a) the person holds a licence or permit to possess, carry or use that category of firearm issued in another State or a Territory that is the equivalent of a licence or permit issued under this Part; or
 - (b) the person is exempt under the laws of another State or a Territory from the requirement to hold a licence for that category of firearm.
- (2) The Chief Commissioner must not grant a permit under subsection (1) unless the Chief Commissioner is satisfied that it is necessary to do so to assist in an emergency or a natural disaster.
- (3) A permit under this section remains in force for the period specified by the Chief Commissioner in the permit, which must not be more than 3 months.
- (4) Subject to subsection (3), the Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.

- (5) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—
- (a) the carriage and storage of firearms under the permit; and
 - (b) the circumstances in which the Chief Commissioner may cancel, suspend or vary the permit and any other matters related to cancellation, suspension or variation.
- (6) The holder of permit under this section does not commit an offence under section 6 or 7 when acting under and in accordance with the permit.
- (7) The holder of permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

58 Permits to carry or use firearms held under a collectors licence

S. 58(1)
amended by
No. 28/2003
s. 29.

- (1) The Chief Commissioner may grant a permit to the holder of a collectors licence to carry or use any category A, B or C longarm or a general category handgun held under the licence at a commemorative or historical event approved by the Chief Commissioner and sponsored by an approved organisation of firearms collectors and held at an approved range.

S. 58(1A)
inserted by
No. 50/2007
s. 23.

- (1A) The Chief Commissioner must not grant a permit under subsection (1) to the holder of a firearms collectors licence to carry or use a category A, B or C longarm or a general category handgun held under the licence at a commemorative or historical event if an approved firearms collectors club has been granted a permit under section 58AAA(1) for the commemorative or historical event to be specified in the permit which specifies the licence holder's name.

(2) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.

(2A) The conditions that the Chief Commissioner may impose on a permit granted under this section may include conditions for or with respect to—

S. 58(2A)
inserted by
No. 78/2005
s. 32.

(a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to any such cancellation or suspension; and

(b) the length or term of the permit and any related matters.

(3) The holder of a permit under this section does not commit an offence under section 6 or 7 when acting under and in accordance with the permit.

(4) An application for a permit must be in the form approved by the Chief Commissioner.

(5) The applicant must pay the prescribed fee for such a permit.

(6) The holder of the permit must comply with the permit.

Penalty: 120 penalty units or 2 years imprisonment.

58AAA Permits to carry or use firearms held under a collectors licence—approved firearms collectors clubs

S. 58AAA
inserted by
No. 50/2007
s. 24.

(1) The Chief Commissioner may grant a permit to an approved firearms collectors club that authorises each holder of a firearms collectors licence, whose name and licence number is specified in the permit, to carry or use any firearm possessed or carried under his or her firearms collectors licence at a commemorative or historical event approved by the Chief Commissioner and held at an approved shooting range.

- (2) A person who is the holder of a firearms collectors licence and who carries or uses any firearm held under a firearms collectors licence at a commemorative or historical event in respect of which a permit has been granted under subsection (1), does not commit an offence under section 6 or 7 when acting under and in accordance with the permit.
- (3) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.
- (4) The conditions that the Chief Commissioner may impose on the permit under this section may include conditions for or with respect to—
 - (a) the circumstances in which the Chief Commissioner may cancel or suspend the permit and any other matters related to such cancellation or suspension; and
 - (b) the length or term of the permit and any related matters.
- (5) An application for a permit must—
 - (a) be made in the manner and form approved by the Chief Commissioner; and
 - (b) be accompanied by the name and licence number of each holder of a firearms collectors licence who proposes to carry or use any firearm held under his or her licence at a commemorative or historical event specified in the permit.
- (6) The applicant must pay the prescribed fee for such a permit.
- (7) The holder of the permit must comply with the permit.

Penalty: 120 penalty units or 2 years imprisonment.

- (8) A licence holder whose name is specified in the permit must comply with the permit.

Penalty: 120 penalty units or 2 years imprisonment.

- (9) The holder of the permit must, before the commemorative or historical event in respect of which the permit is issued, notify in writing each licence holder whose name is specified in the permit of the conditions to which the permit is subject (if any).

Penalty: 60 penalty units or 12 months imprisonment.

58A Provisional general category handgun licences

S. 58A
inserted by
No. 28/2003
s. 30,
substituted by
No. 78/2005
s. 33.

- (1) The Chief Commissioner may grant a provisional licence to a member of an approved handgun target shooting club (who does not hold a handgun target shooting licence) to carry or use the classes of general category handguns specified in the provisional licence at approved handgun target shooting matches and handgun target shoots.
- (2) The Chief Commissioner must not grant a provisional licence under this section—
- (a) if the applicant is a prohibited person; or
 - (b) unless the Chief Commissioner is satisfied that the applicant is a fit and proper person to hold such a licence; or
 - (c) in the case of an applicant who is of or over 12 years of age and under 18 years of age, unless—
 - (i) the applicant has the written consent of his or her parent or guardian; or

- (ii) the person who is to provide the instruction to the applicant has the consent of the applicant's parent or guardian; or

- (d) for any other prescribed reason.

S. 58A(2A)
inserted by
No. 55/2014
s. 96.

- (2A) An applicant is presumed not to be a fit and proper person for the purposes of subsection (2)(b) if he or she is a declared organisation member.

S. 58A(2B)
inserted by
No. 55/2014
s. 96.

- (2B) A presumption under subsection (2A) may be rebutted.

- (3) A provisional licence under this section remains in force for a period of no less than 6 months and no more than 12 months (as specified by the Chief Commissioner in the licence).

- (4) A provisional licence under this section may not be renewed.

- (5) A provisional licence under this section is subject to the condition that the holder of the licence must, within 3 months of the grant of the licence, complete a course in handgun safety approved by the Chief Commissioner.

- (6) A provisional licence under this section that authorises the carriage or use of a controlled handgun is subject to the condition that the handgun must not be carried or used except for the purpose of the holder of the licence making a decision as to whether to, in the course of applying for a general category handgun licence for the reason of target shooting—

- (a) purchase the handgun; and

- (b) make an application to the Chief Commissioner for an authorisation under section 7A for the handgun.

- (7) The Chief Commissioner may impose any conditions on a provisional licence under this section that the Chief Commissioner thinks fit.
- (8) The conditions that the Chief Commissioner may impose on a provisional licence granted under this section may include conditions for or with respect to the circumstances in which the Chief Commissioner may cancel or suspend the licence and any other matters related to any such cancellation or suspension.
- (9) An application for a provisional licence under this section must be in the form approved by the Chief Commissioner.
- (10) An applicant for a provisional licence under this section must pay the prescribed fee for such a licence.
- (11) The holder of a provisional licence must comply with the provisional licence.
Penalty: 120 penalty units or 2 years imprisonment.
- (12) In this section—
controlled handgun means a handgun that is of a class to which section 7A(1) applies.

Part 3—Carrying on the business of dealing in firearms and related items

Division 1AA—Definition

Pt 3 Div. 1AA
(Heading and
s. 59AA)
inserted by
No. 2/2018
s. 17.

59AA Definition

S. 59AA
inserted by
No. 2/2018
s. 17.

In this Part—

carry on the business of being a firearms dealer

includes, but is not limited to—

- (a) acquiring, disposing of, hiring, lending or transferring ownership in any firearms, firearms parts or cartridge ammunition; or
- (b) exposing or offering for sale any firearms, firearms parts or cartridge ammunition; or
- (c) possessing for the purpose of disposing of, acting as an agent in the transfer of ownership in or repairing any firearms, firearms parts or cartridge ammunition; or
- (d) manufacturing or repairing any firearms or possessing any firearms parts for the purpose of manufacturing or repairing firearms.

Division 1—Licensing of firearms dealers

59 Offence to carry on business of dealing in firearms

- (1) A person must not carry on the business of being a firearms dealer in category A or B longarms or paintball markers unless that person does so under and in accordance with a licence issued under this Part.

S. 59(1)
amended by
No. 78/2005
s. 34.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A person must not carry on the business of being a firearms dealer—
- (a) in category C, D or E longarms or handguns;
or
- (b) in any other firearms to which subsection (1) does not apply—

S. 59(2)
amended by
No. 44/2015
s. 4(1).

unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 240 penalty units or 4 years imprisonment.

- (2A) Subsections (1) and (2) do not apply to the manufacturing of firearms.

S. 59(2A)
inserted by
No. 44/2015
s. 4(2).

Note

Higher penalties apply to a person who manufactures a firearm other than in accordance with a licence issued under this Part—see section 59A.

* * * * *

S. 59(3)
amended by
No. 22/1998
s. 43(Sch.
item 5),
repealed by
No. 2/2018
s. 18.

S. 59A
(Heading)
substituted by
No. 2/2018
s. 19(1).

S. 59A
inserted by
No. 44/2015
s. 5.

S. 59A(3)
inserted by
No. 2/2018
s. 19(2).

S. 59A(4)
inserted by
No. 2/2018
s. 19(2).

59A Offence to manufacture firearms or to possess parts etc. for the purpose of manufacturing firearms

- (1) A person must not manufacture a category A or B longarm or paintball marker unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 600 penalty units or 5 years imprisonment.

- (2) A person must not manufacture any firearm to which subsection (1) does not apply unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 1200 penalty units or 10 years imprisonment.

- (3) A person must not possess any firearm part for the purpose of manufacturing—

- (a) a category A or category B longarm or a paintball marker; or
- (b) any part for a category A or category B longarm or a paintball marker—

unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 600 penalty units or 5 years imprisonment.

- (4) A person must not possess any firearm part for the purpose of manufacturing—

- (a) a firearm that is not a category A or category B longarm or a paintball marker; or
- (b) any part for a firearm that is not a category A or category B longarm or a paintball marker—

unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 1200 penalty units or 10 years imprisonment.

- (5) A person must not possess any equipment for the purpose of manufacturing—

S. 59A(5)
inserted by
No. 2/2018
s. 19(2).

(a) a category A or category B longarm or a paintball marker; or

(b) any part for a category A or category B longarm or a paintball marker—

unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 600 penalty units or 5 years imprisonment.

- (6) A person must not possess any equipment for the purpose of manufacturing—

S. 59A(6)
inserted by
No. 2/2018
s. 19(2).

(a) a firearm that is not a category A or category B longarm or a paintball marker, or

(b) any part for a firearm that is not a category A or category B longarm or a paintball marker—

unless that person does so under and in accordance with a licence issued under this Part.

Penalty: 1200 penalty units or 10 years imprisonment.

60 Issue of dealers licences

- (1) The Chief Commissioner may licence a person to carry on the business of being a firearms dealer at the premises specified in the licence.

- (2) A licence issued by the Chief Commissioner under subsection (1) may—
 - (a) be issued in relation to all categories of firearms or in relation to those categories of firearms specified in the licence; and
 - (b) may authorise the carrying out of all aspects relating to the business of being a firearms dealer or may be limited to particular aspects of that business.

S. 61
amended by
No. 55/2014
s. 97 (ILA
s. 39B(1)).

61 General discretion of Chief Commissioner to refuse a dealers licence

- (1) The Chief Commissioner must not issue a dealers licence to an applicant—
 - (a) if the applicant, any close associate of the applicant, any responsible person in relation to the application or any person the applicant is proposing to employ in the business is a prohibited person; or
 - (b) if the applicant or any responsible person in relation to the application is under the age of 21 years; or
 - (c) unless the Chief Commissioner is satisfied that—
 - (i) the applicant and all responsible persons in relation to the application and the persons the applicant is proposing to employ in the business—
 - (A) are fit and proper persons; and
 - (B) can carry on the business without being a danger to public safety or peace; and
 - (ii) the premises specified in the application are suitable to carry on the business of being a firearms dealer; and

S. 61(1)(a)
amended by
No. 28/2003
s. 31(a).

- | | |
|--|--|
| (iii) the issue of the licence is not against the public interest; or | S. 61(1)(c)(iii) amended by No. 22/1998 s. 18. |
| (ca) unless the Chief Commissioner is satisfied that all close associates of the applicant are fit and proper persons; or | S. 61(1)(ca) inserted by No. 28/2003 s. 31(b). |
| (d) for any prescribed reason. | |
| (2) A person referred to in subsection (1)(c)(i) is presumed not to be a fit and proper person for the purposes of subsection (1)(c)(i)(A) if he or she is a declared organisation member. | S. 61(2) inserted by No. 55/2014 s. 97. |
| (3) A presumption under subsection (2) may be rebutted. | S. 61(3) inserted by No. 55/2014 s. 97. |

62 Review of decision not to issue licence

A non-prohibited person who has applied for a licence under this Part may apply to the Committee for a review of a decision of the Chief Commissioner—

- (a) not to issue a licence; or
- (b) to impose conditions on the licence.

Division 2—General provisions applying to dealers licences

63 Application for a dealers licence

- | | |
|---|--|
| (1) A person who is applying for a dealers licence must make the application to the Chief Commissioner. | |
| (2) An application must be in a form and manner approved by the Chief Commissioner. | S. 63(2) amended by No. 78/2005 s. 35. |

S. 63(4)
inserted by
No. 22/1998
s. 19.

(3) The applicant must pay the fee prescribed for licences in the nature of the licence applied for.

(4) Subsection (3) does not apply to a person who applies for a licence and who is in partnership with another person who has paid the fee prescribed for a licence to carry on the business which is carried on by the partnership.

S. 63(5)
inserted by
No. 22/1998
s. 19.

(5) In subsection (4) **partnership** has the same meaning as in section 5 of the **Partnership Act 1958**.

64 Information required for an application by a natural person for a dealers licence

An application by a natural person for a dealers licence must be accompanied by—

S. 64(aa)
inserted by
No. 28/2003
s. 32(1),
amended by
No. 78/2005
s. 36.

(aa) a statement setting out the name and address of any person who is a close associate of the applicant; and

S. 64(a)
substituted by
No. 44/2021
s. 13.

(a) proof of the identity of the applicant and any person the applicant proposes to employ in the business in a form approved by the Chief Commissioner; and

S. 64(b)
amended by
No. 28/2003
s. 32(2)(a).

(b) a full set of the applicant's fingerprints and the fingerprints of any person the applicant proposes to employ in the business; and

S. 64(c)
inserted by
No. 28/2003
s. 32(2)(b).

(c) a full set of the fingerprints of any close associate of the applicant, or if it is not possible to obtain a full set of such fingerprints, if the Chief Commissioner so requires, any known information about the close associate.

65 Information required for an application by a body corporate for a dealers licence

An application by a body corporate for a dealers licence must—

- (a) specify the officers of the body corporate;
and
- (b) in respect of the premises for which the licence is to be issued, nominate the person who will be responsible for the day to day management of the business on that premises; and
- (c) be accompanied by, in respect of each responsible person and any person the applicant proposes to employ in the business—
 - (i) proof of the identity of each person in a form approved by the Chief Commissioner; and S. 65(c)(i) substituted by No. 44/2021 s. 14.
 - (ii) a full set of the person's fingerprints; and S. 65(c)(ii) amended by No. 28/2003 s. 33(a).
- (d) be accompanied by—S. 65(d) inserted by No. 28/2003 s. 33(b).
 - (i) a statement setting out the name and address of any person who is a close associate of the applicant; and S. 65(d)(i) amended by No. 78/2005 s. 37.
 - (ii) a full set of the fingerprints of any close associate of the applicant, or if it is not possible to obtain a full set of such fingerprints, if the Chief Commissioner so requires, any known information about the close associate.

66 28 day waiting period

The Chief Commissioner must not issue a dealers licence until 28 days have expired after the making of the application.

67 Particulars of dealers licences

(1) A dealers licence must contain the following particulars—

(a) the name of the holder of the licence; and

(b) the nature of the licence; and

(c) the address of the premises to which the licence applies; and

(d) a summary of the storage requirements imposed by or under the Act; and

(e) any other prescribed particulars.

(2) A dealers licence must contain a recent photograph of—

(a) in the case of a licence issued to a natural person, that person; or

(b) in any other case, the nominated person—

which complies with the Chief Commissioner's requirements.

68 Licence conditions for dealers licences

(1) A dealers licence is subject to any conditions imposed on the licence or the category of licence by the Chief Commissioner.

(2) The holder of a dealers licence must comply with any conditions to which the licence is subject.

Penalty: 60 penalty units.

S. 67(1)(a)
amended by
No. 3/2019
s. 41.

S. 68
substituted by
No. 26/1997
s. 24.

69 Variation of dealers licence conditions

- (1) The Chief Commissioner may, at any time vary any condition imposed on a dealers licence by the Chief Commissioner.
- (2) The variation of a condition under this section has effect upon the giving of notice of that variation to the holder of the licence.

70 Review of a decision to vary licence conditions

A non-prohibited person who is the holder of a dealers licence may apply to the Committee for a review of a decision of the Chief Commissioner to vary any of the conditions on the licence.

71 Duration of licences

A dealers licence continues in force for the period, not exceeding 5 years from the issue or renewal of the licence, that is specified in the licence.

72 Renewal of dealers licences

- (1) Before the expiration of a dealers licence, the holder may apply to the Chief Commissioner for renewal of the licence.
- (2) A person who is making an application for the renewal of a licence under this Part must make that application to the Chief Commissioner.
- (3) An application must—
 - (a) be in a form and manner approved by the Chief Commissioner; and

* * * * *

S. 72(3)(b)
repealed by
No. 78/2005
s. 38(a).

- (4) In the case of an application by a body corporate, if any of the responsible persons in relation to the licence have changed during the course of the

licence, the application must be accompanied by—

S. 72(4)(a)
substituted by
No. 44/2021
s. 15.

(a) proof of the identity of the new persons in a form approved by the Chief Commissioner; and

S. 72(4)(b)
amended by
No. 3/2019
s. 46.

(b) a full set of each person's fingerprints.

S. 72(4A)
inserted by
No. 28/2003
s. 34.

(4A) In addition to the requirements of subsections (3) and (4), if there is a close associate of the applicant for renewal who has not been disclosed to the Chief Commissioner, the application must be accompanied by—

S. 72(4A)(a)
amended by
No. 78/2005
s. 38(b).

(a) a statement setting out the name and address of any such close associate; and

(b) a full set of the fingerprints of any such close associate, or if it is not possible to obtain a full set of such fingerprints, if the Chief Commissioner so requires, any known information about the close associate.

(5) The applicant must pay the fee prescribed for renewals of licences in the nature of the licence to which the application relates.

S. 72(5A)
inserted by
No. 22/1998
s. 20.

(5A) Subsection (5) does not apply to a person who applies for a renewal and who is in partnership with another person who has paid the fee prescribed for the renewal of a licence to carry on the business which is carried on by the partnership.

S. 72(5B)
inserted by
No. 22/1998
s. 20.

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

- (6) The Chief Commissioner may renew or refuse to renew a licence and, if a licence is to be renewed, the Chief Commissioner may alter or vary the conditions on the licence or impose further conditions on the licence.

73 General discretion of Chief Commissioner to refuse to renew a dealers licence

S. 73
amended by
No. 55/2014
s. 98 (ILA
s. 39B(1)).

- (1) The Chief Commissioner must not renew a dealers licence—

- (a) if the applicant, any close associate of the applicant or any responsible person in relation to the application is a prohibited person; or

S. 73(1)(a)
amended by
No. 28/2003
s. 35(a).

- (b) unless the Chief Commissioner is satisfied that—

- (i) the applicant, all close associates of the applicant, all the responsible persons in relation to the application and any persons employed in the business are fit and proper persons; and

S. 73(1)(b)(i)
amended by
No. 28/2003
s. 35(b).

- (ii) the premises specified in the application are suitable to carry on the business of being a firearms dealer; and

- (iii) the issue of the licence is not against the public interest; or

S. 73(1)(b)(iii)
amended by
No. 22/1998
s. 21.

- (c) for any prescribed reason.

- (2) A person referred to in subsection (1)(b)(i) is presumed not to be a fit and proper person for the purposes of that paragraph if he or she is a declared organisation member.

S. 73(2)
inserted by
No. 55/2014
s. 98.

- (3) A presumption under subsection (2) may be rebutted.

S. 73(3)
inserted by
No. 55/2014
s. 98.

74 Review of decision not to renew licence

A non-prohibited person who has applied for renewal of a licence under this Part may apply to the Committee for review of a decision of the Chief Commissioner not to renew the licence.

75 Requirement to notify Chief Commissioner of persons employed in business or change of nominated person

- (1) The holder of a dealers licence must, immediately on the employment of a person in the business carried on under that licence, notify the Chief Commissioner of that employment.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) If the person nominated in an application under section 65 becomes a prohibited person during the course of a licence, the holder of the licence must nominate another person to be responsible for the day to day management of the business on the premises and must immediately notify the Chief Commissioner of that nomination.

Penalty: 60 penalty units or 12 months imprisonment.

- (3) At any time during the course of the licence, the holder of the licence may nominate a person to replace the person nominated in the application under section 65 and must immediately notify the Chief Commissioner of that nomination.

Penalty: 20 penalty units.

- (4) A notice under this section must—
(a) be in writing; and

(b) be accompanied by—

- (i) proof of the identity of the person in a form approved by the Chief Commissioner; and
- (ii) subject to subsection (5), a full set of the person's fingerprints.

S. 75(4)(b)(i)
substituted by
No. 44/2021
s. 16.

S. 75(4)(b)(ii)
substituted by
No. 20/2015
s. 57(1).

Penalty: 20 penalty units.

- (5) A notice under this section is not required to be accompanied by the person's fingerprints if the person is employed solely for the purpose of officiating at a paintball game.

S. 75(5)
inserted by
No. 20/2015
s. 57(2).

75A Requirement to notify Chief Commissioner of close associates

S. 75A
inserted by
No. 28/2003
s. 36.

- (1) If, at any time during the course of a dealers licence—
- (a) a person becomes a close associate of the holder of the licence; or
 - (b) ceases to be a close associate of the holder of the licence—

the holder of the licence must immediately notify the Chief Commissioner of that fact.

Penalty: 20 penalty units.

- (2) A notice under subsection (1) must—
- (a) be in writing; and
 - (b) set out the name and address of the person who has become or ceased to be a close associate (as the case requires); and
 - (c) be accompanied by a full set of fingerprints of any person who has become a close associate of the applicant, or if it is not possible to obtain a full set of such

fingerprints, if the Chief Commissioner so requires, any known information about the person.

S. 75B
inserted by
No. 28/2003
s. 36.

75B Offence to employ prohibited persons in management of business

The holder of a dealers licence must not—

- (a) employ a prohibited person in the business conducted under the licence; or
- (b) engage a prohibited person to act as an agent in the business conducted under the licence.

Penalty: 60 penalty units.

Division 3—Suspension, cancellation and transfer of dealers licences

76 Immediate cancellation of a dealers licence

(1) Immediately on becoming aware that—

- (a) the holder of a dealers licence; or
- (b) in the case of a licence which is held by a body corporate, any officer of the body corporate—

is a prohibited person the Chief Commissioner must cancel the licence.

(2) The Chief Commissioner must notify the holder of the licence of the cancellation of the licence, either personally or by post.

S. 76A
inserted by
No. 53/2016
s. 100.

76A Immediate cancellation of a dealers licence under National Domestic Violence Order Scheme Act 2016

- (1) If a dealers licence is cancelled under section 19(2) of the **National Domestic Violence Order Scheme Act 2016**, the Chief Commissioner must serve a notice of the cancellation of the licence on the holder of the licence, either personally or by post.

- (2) Cancellation of the licence by the Chief Commissioner has effect from the time at which notice of the cancellation is served on the licence holder.

77 Suspension of a dealers licence and notice of proposal to cancel

- (1) If the Chief Commissioner is satisfied that there may be grounds for cancelling a dealers licence under section 79 the Chief Commissioner may suspend the licence.
- (2) The Chief Commissioner must serve notice of the suspension of the licence on the holder of the licence either personally or by post.
- (3) A notice under subsection (2) must—
 - (a) state that the licence is suspended; and
 - (b) state that the Chief Commissioner is satisfied that there are grounds for the cancellation of the licence; and
 - (c) set out those grounds; and
 - (d) set out the time within which written submissions on the proposed cancellation of the licence may be made to the Chief Commissioner.
- (4) A suspension under this section remains in force until—
 - (a) if the Chief Commissioner decides to cancel the licence, the coming into effect of that cancellation; or
 - (b) if the Chief Commissioner decides not to cancel the licence, the making of that decision.
- (5) The holder of a licence, whose licence is suspended is deemed not to be the holder of a licence for the period of the suspension.

78 Making of submissions

- (1) The holder of a licence who has been notified under section 77 may make written submissions on the proposal to cancel the licence.
- (2) Submissions made under subsection (1) must be made within 28 days of the holder being notified.

79 Power of Chief Commissioner to cancel a dealers licence

- (1) The Chief Commissioner may cancel a dealers licence suspended under section 77 if, after considering any submissions made within the time fixed for making submissions, the Chief Commissioner is satisfied—
 - (a) that the holder has knowingly supplied false or misleading information in a material particular in, or in connection with the application for the licence or the renewal of the licence; or
 - (b) that the holder has contravened or failed to comply with the conditions of the licence; or
 - (c) that the holder has contravened or failed to comply with any requirement for the storage of firearms possessed, carried or used under the licence; or
 - (d) that the holder of the licence no longer carries on business at the premises specified in the licence; or
 - (e) that—
 - (i) the holder of the licence or any responsible person in relation to the licence; or
 - (ii) any person employed in the business; or

S. 79
amended by
No. 55/2014
s. 99 (ILA
s. 39B(1)).

S. 79(1)(e)(ii)
amended by
No. 28/2003
s. 37(a).

- (iii) any close associate of the holder of the licence—

S. 79(1)(e)(iii)
inserted by
No. 28/2003
s. 37(b).

is no longer a fit and proper person; or

- (f) that—

- (i) the holder of the licence or any responsible person in relation to the licence; or

- (ii) any person employed in the business—

cannot carry on, or be employed in the business without being a danger to public safety or peace; or

- (g) that—

- (i) the holder of the licence or any responsible person in relation to the licence; or

- (ii) any person employed in the business—

has contravened a provision of this Act or the regulations; or

- (h) that the premises in respect of which the licence has been issued have become unsuitable to carry on the business of being a firearms dealer; or

- (i) that the holder is no longer entitled to hold the licence for any other prescribed reason.

- (2) A person referred to in subsection (1)(e) is presumed not to be a fit and proper person for the purposes of that paragraph if he or she is a declared organisation member.

S. 79(2)
inserted by
No. 55/2014
s. 99.

- (3) A presumption under subsection (2) may be rebutted.

S. 79(3)
inserted by
No. 55/2014
s. 99.

80 Notice of Chief Commissioner's decision

- (1) The Chief Commissioner must notify the holder of the licence as to whether or not he or she has decided to cancel the licence under section 79 and must set out the reasons for that decision in the notice.
- (2) A notice under subsection (1) may be served on the licence holder either personally or by post.

81 Coming into effect of cancellation

Cancellation of a licence by the Chief Commissioner has effect from the time at which notice of the cancellation is served on the licence holder.

82 Right of appeal against cancellation of licence

The holder of a licence under this Part whose licence has been cancelled by the Chief Commissioner under section 79 may, if he or she is a non-prohibited person, apply to the Committee for a review of that decision.

83 Surrender of firearms and licence document

If a dealer's licence is suspended or cancelled, the holder must—

S. 83(a)
amended by
No. 22/1998
s. 43(Sch.
item 6).

- (a) if served personally with notice of the suspension or cancellation, immediately surrender any firearms or cartridge ammunition held under the licence and the licence document to the person serving the notice; and

S. 83(b)
amended by
No. 22/1998
s. 43(Sch.
item 6).

- (b) if served by post with notice of the suspension or cancellation, within 7 days of service of the notice, surrender any firearms or cartridge ammunition held under the licence and the licence document to a police station.

Penalty: 240 penalty units or 4 years imprisonment.

84 Application to carry on business

(1) A dealers licence may be transferred in any of the following circumstances—

- (a) if the dealer has died; or
- (b) if the dealer has become bankrupt or has assigned his business for the benefit of his creditors; or
- (c) if the dealer has become a patient within the meaning of the **Mental Health Act 2014**.

S. 84(1)(c)
amended by
No. 26/2014
s. 455(Sch.
item 10.1).

(2) In the circumstances in which subsection (1)(a) applies, the executors or administrators of the dealer's estate, or, if probate or letters of administration have not been granted, the surviving spouse or domestic partner (as the case may be) or any member of the dealer's family may apply to the Chief Commissioner for a transfer of the licence.

S. 84(2)
amended by
No. 72/2001
s. 3 (Sch.
item 8.3(a)).

(3) In the circumstances in which subsection (1)(b) applies, the trustee in bankruptcy, receiver or assignee (as the case requires) may apply for a transfer of the licence.

(4) In the circumstances in which subsection (1)(c) applies, the spouse or domestic partner or any member of the dealer's family or any person nominated for the purpose by State Trustees within the meaning of the **State Trustees (State Owned Company) Act 1994** may apply for a transfer of the licence.

S. 84(4)
amended by
No. 72/2001
s. 3 (Sch.
item 8.3(b)).

85 Chief Commissioner may transfer authority to conduct business

- (1) The Chief Commissioner may, if the Chief Commissioner thinks fit, transfer a dealers licence to any person who has applied for such a transfer under section 84 or to any person specified in an application for such a transfer under section 84.
- (2) A licence transferred under subsection (1) continues in force until the date of expiration of the original licence and is on the same terms and subject to the same conditions as applied to the original licence.
- (3) The person to whom the licence has been transferred is deemed to be the holder of the licence.

86 Prohibition on any other transfer of licence

Except as otherwise provided for in this Division, the Chief Commissioner must not transfer a dealers licence.

Division 4—Records to be kept by licensed firearms dealers

87 Requirement to keep register of transactions

- (1) A licensed firearms dealer must ensure that a record of each transaction whereby—
 - (a) a firearm is acquired by the dealer or otherwise comes into the possession of the dealer; or
 - (b) a firearm is disposed of, hired or loaned by the dealer or otherwise goes out of the possession of the dealer; or

S. 87(1)(b)
amended by
No. 50/2007
s. 25(1).

- (c) the dealer acts as an agent for the acquisition or disposal of a firearm—

is recorded in a register of transactions.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A licensed firearms dealer must ensure that the register of transactions contains in relation to each transaction—

- (a) in the case of a firearm coming into the possession of the dealer—

- (i) the prescribed particulars about the person who has given possession of the firearm, and the licence number or other evidence of the person's authority to possess the firearm; and

- (ii) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and

S. 87(2)(a)(ii)
amended by
No. 52/2010
s. 19(a).

- (b) in the case of a firearm going out of the possession of the dealer—

- (i) where the case so requires, the permit to acquire; and

- (ii) the prescribed particulars about the person who is acquiring possession of the firearm, and the licence number or other evidence of the person's authority to possess the firearm; and

- (iii) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and

S. 87(2)(b)(iii)
amended by
No. 52/2010
s. 19(b).

- (c) in the case of a firearm in respect of which the dealer is acting as an agent for the person acquiring the firearm—

S. 87(2)(c)(iii)
amended by
No. 52/2010
s. 19(c).

- (i) where the case so requires, the permit to acquire; and
 - (ii) the prescribed particulars about the person who is acquiring the firearm, and the licence number or other evidence of the person's authority to possess the firearm; and
 - (iii) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and
- (d) in the case of a firearm in respect of which the dealer is acting as an agent for the person disposing of the firearm—
- (i) the prescribed particulars about the person who is disposing of the firearm, and the licence number or other evidence of the person's authority to possess the firearm; and
 - (ii) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and
- (e) any other prescribed particulars.

S. 87(2)(d)(ii)
amended by
No. 52/2010
s. 19(d).

Penalty: 120 penalty units or 2 years imprisonment.

- (3) A licensed firearms dealer must ensure that the register of transactions—
- (a) is kept at the premises specified in the licence; and
 - (b) is kept in a place of safekeeping and separately from any place of safekeeping where firearms are kept; and

- (c) is available for inspection by a police officer at any reasonable time.

S. 87(3)(c)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

Penalty: 60 penalty units or 12 months imprisonment.

- (4) A licensed firearms dealer must ensure that the record of a transaction or dealing is made immediately on the transaction taking place.

Penalty: 30 penalty units.

- (5) A licensed firearms dealer must ensure that any entry in a register of transactions kept by him is kept for a period of 5 years after the entry is made in the register.

Penalty: 30 penalty units.

- (6) A person whose dealers licence has expired or has been suspended or cancelled must—

S. 87(6)
inserted by
No. 50/2007
s. 25(2).

- (a) keep the register of transactions in which he or she has kept his or her transactions for a period of 5 years after the last entry has been made in the register; or
- (b) surrender the register of transactions kept by him or her to the Chief Commissioner of Police at any time during the period of 5 years after his or her licence expired or was suspended or cancelled.

Penalty: 30 penalty units.

88 Firearms to be labelled with transaction details

A licensed firearms dealer must ensure that a label is fixed to each firearm in the dealers possession which shows a number which is capable of being used to identify the record of any transaction or dealing in the firearm in the register of transactions.

Penalty: 10 penalty units.

89 Power to inspect register and stock

S. 89
amended by
No. 50/2007
s. 26 (ILA
s. 39B(1)).

(1) A police officer may inspect the register of transactions and the stock kept by a licensed firearms dealer at any reasonable time.

S. 89(1)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

(2) A police officer may inspect the register of transactions kept by a person under section 87(6) at any reasonable time.

S. 89(2)
inserted by
No. 50/2007
s. 26,
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

90 Power to require production of licence

(1) A police officer who is at the premises where a licensed firearms dealer carries on the business to which the licence relates may demand that the dealer produce the licence for inspection.

(2) A person must comply with a demand under subsection (1) unless that person has a reasonable excuse.

Penalty: 10 penalty units.

S. 90(1)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

Division 5—Display by dealers

91 Display of firearms by dealers

- (1) If a licensed firearms dealer acquires, disposes of or displays all or any of the firearms kept under the licence at a premises other than the licensed premises, the holder of the licence does not commit an offence against Division 1 of this Part or Part 6 if he or she has first obtained a permit from the Chief Commissioner to do so.
- (2) The Chief Commissioner may issue a permit if he or she is satisfied that the arrangements made for the secure storage of the firearms while on display are adequate.
- (3) A permit authorises—
 - (a) the person specified in the permit to acquire, dispose of or display the firearms at the premises specified in the permit and for the period specified in the permit; and
 - (b) carriage of the firearms for the purposes of the display.
- (4) The Chief Commissioner may impose any conditions on the permit that he or she thinks fit.
- (5) An application for a permit must be made in the manner and form approved by the Chief Commissioner.
- (6) The applicant must pay the fee prescribed for such a permit.
- (7) The holder of the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

92 Display Offences

A licensed firearms dealer must ensure that any firearms displayed on the licensed premises—

- (a) are under the immediate supervision and control of the dealer or an employee of the dealer; and
- (b) are secured in a manner which would prevent removal by any person other than the dealer or an employee of the dealer.

Penalty: 120 penalty units or 2 years imprisonment.

Pt 3 Div. 6
(Heading and
s. 92A)
inserted by
No. 22/1998
s. 22.

Division 6—Permits

S. 92A
inserted by
No. 22/1998
s. 22.

92A Permits for theatrical armourers

- (1) If a licensed firearms dealer hires or lends firearms kept under the licence for carriage or use outside the licensed premises in the production of any film, in any television or theatrical production or in an historical re-enactment, the holder of the licence does not commit an offence against Division 1 of this Part or Part 6 if he or she has first obtained a permit from the Chief Commissioner to do so.
- (2) The Chief Commissioner may grant a permit under subsection (1), if the Chief Commissioner is satisfied that the arrangements made for the supervision and safe handling of the firearms while being carried or used outside the licensed premises are adequate.
- (3) A permit authorises the storage, carriage and use of the firearms outside the licensed premises, for the period specified in the permit.

(4) A permit is subject to the following conditions—

- (a) at any time when the firearm is being carried or used by a person who is not the licensed firearms dealer or an employee of the dealer—
 - (i) that person must be directly supervised by the dealer or an employee of the dealer; or
 - (ii) in the case of a firearm which has been rendered permanently inoperable, the Chief Commissioner has been notified, before the carriage or use of the firearm, that the firearm is to be carried or used without the direct supervision of the dealer or an employee of the dealer;
- (b) any firearm being carried or used under the permit must be carried or used without ammunition or with only blank or dummy ammunition;
- (c) a person who is not the licensed firearms dealer or an employee of the dealer must not carry or use any firearm unless that person is, at the time, taking part in the production or re-enactment.

S. 92A(4)(a)(ii)
amended by
No. 52/2010
s. 20.

- (5) The Chief Commissioner may impose any other conditions on a permit that he or she thinks fit.
- (6) An application for a permit must be made in the manner and form approved by the Chief Commissioner.
- (7) The applicant must pay the fee prescribed for a permit.

Firearms Act 1996

No. 66 of 1996

Part 3—Carrying on the business of dealing in firearms and related items

- (8) The holder of a permit under this section must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

Part 4—Acquisition and disposal of firearms and related items

Division 1—Offences relating to the acquisition and disposal of firearms

93 Persons from whom a dealer can acquire firearms

- (1) A licensed firearms dealer must not acquire a category A or B longarm unless the firearm is being acquired from a person listed in subsection (4).

Penalty: 60 penalty units or 12 months imprisonment.

- (2) A licensed firearms dealer must not acquire a category C or D longarm or a general category handgun unless the firearm is being acquired from a person listed in subsection (4).

S. 93(2)
amended by
No. 28/2003
s. 38(1).

Penalty: 120 penalty units or 2 years imprisonment.

- (3) A licensed firearms dealer must not acquire a—

- (a) category E longarm or a category E handgun;
or

S. 93(3)(a)
amended by
No. 28/2003
s. 38(2).

- (b) any other firearm to which subsections (1)
and (2) do not apply—

unless the firearm is being acquired from a person listed in subsection (4).

Penalty: 240 penalty units or 4 years imprisonment.

- (4) A firearm may be acquired under this section from any of the following—

- (a) another person who is a licensed firearms dealer;

S. 93(4)(ca)
inserted by
No. 55/2009
s. 15,
amended by
No. 82/2012
s. 95(a).

- (b) a person who is authorised by a licence under this Act to possess, carry or use that firearm;
- (c) a person who is exempted by this Act from the requirement to have a licence in order to possess, carry or use that category of firearm;
- (ca) a senior IBAC Officer who is—

S. 93(4)(ca)(ii)
amended by
No. 82/2012
ss 95(b), 309.

- (i) exempted by this Act from the requirement to have a licence in order to possess, carry or use firearms; and
 - (ii) authorised under section 109 of the **Independent Broad-based Anti-corruption Commission Act 2011** to acquire or dispose of firearms;
- (d) a deceased estate;
- (e) another person in circumstances authorised by this Act or by any Commonwealth Act relating to the importation of firearms;
- (f) in the case of a category A or B longarm, a person who is the holder of an inter-State licence which authorises the possession, carriage or use of the longarm being disposed of and who is also the holder of an inter-State permit to acquire a category A or B longarm where—
 - (i) the permit to acquire has been issued not more than 28 days before the disposal of the firearm; and

S. 93(4)(f)
inserted by
No. 22/1998
s. 23.

- (ii) in order to dispose of the firearm, the person personally attends at the premises where the dealer to whom the firearm is being disposed of carries on business;
- (g) in the case of a category C longarm or a general category handgun, a person who is the holder of an inter-State licence which authorises the possession, carriage or use of the longarm or handgun being disposed of and who is also the holder of an inter-State permit to acquire a category C longarm or a general category handgun where—
 - (i) the permit to acquire has been issued not more than 28 days before the disposal of the firearm; and
 - (ii) in order to dispose of the firearm, the person personally attends at the premises where the dealer to whom the firearm is being disposed of carries on business.

S. 93(4)(g)
inserted by
No. 22/1998
s. 23,
amended by
No. 28/2003
s. 38(3).

94 Persons to whom a dealer can dispose of firearms

- (1) A licensed firearms dealer must not dispose of a category A or B longarm unless the firearm is being disposed of to a person who—
 - (a) produces to the licensed firearms dealer a valid licence to possess, carry or use the firearm that is issued to the person under Part 2; and
 - (b) is a person listed in subsection (4).

S. 94(1)
substituted by
No. 44/2021
s. 17.

Penalty: 60 penalty units or 12 months imprisonment.

S. 94(2)
amended by
No. 28/2003
s. 39(1),
substituted by
No. 44/2021
s. 17.

- (2) A licensed firearms dealer must not dispose of a category C or D longarm or a general category handgun unless the firearm or handgun is being disposed of to a person who—
- (a) produces to the licensed firearms dealer a valid licence to possess, carry or use the firearm or the handgun (as the case requires) that is issued to the person under Part 2; and
 - (b) is a person listed in subsection (4).

Penalty: 120 penalty units or 2 years imprisonment.

S. 94(3)
amended by
No. 28/2003
s. 39(2),
substituted by
No. 44/2021
s. 17.

- (3) A licensed firearms dealer must not dispose of a category E longarm, category E handgun or any other firearm (other than a firearm or handgun referred to in subsection (1) or (2)) unless the firearm or handgun is being disposed of to a person who—
- (a) produces to the licensed firearms dealer a valid licence to possess, carry or use the firearm or handgun (as the case requires) that is issued to the person under Part 2; and
 - (b) is a person listed in subsection (4).

Penalty: 240 penalty units or 4 years imprisonment.

- (4) A firearm may be disposed of under this section to any one of the following—
- (a) another person who is a licensed firearms dealer;
 - (b) a person who is authorised by a licence under this Act to possess, carry or use that firearm and who holds a permit under this Act to acquire that firearm;

(c) a person who is exempted by this Act from the requirement to have a licence in order to possess, carry or use that category of firearm;

(ca) a senior IBAC Officer who is—

S. 94(4)(ca) inserted by No. 55/2009 s. 16, amended by No. 82/2012 s. 95(a).

(i) exempted by this Act from the requirement to have a licence in order to possess, carry or use firearms; and

(ii) authorised under section 109 of the **Independent Broad-based Anti-corruption Commission Act 2011** to acquire or dispose of firearms;

S. 94(4)(ca)(ii) amended by No. 82/2012 ss 95(b), 309.

(d) a police officer, who is acting in the course of his or her duty;

S. 94(4)(d) amended by No. 37/2014 s. 10(Sch. item 63.5).

(e) a person who is the holder of an inter-State permit to acquire a category A or B longarm where—

S. 94(4)(e) inserted by No. 84/1997 s. 44.

(i) that person is acquiring a category A or B longarm in accordance with the permit; and

(ii) the permit has been issued not more than 28 days before the acquisition of the longarm; and

(iii) in order to acquire the longarm, the permit holder personally attends at the premises where the dealer from whom the longarm is being acquired carries on business;

S. 94(4)(f)
inserted by
No. 84/1997
s. 44,
amended by
No. 28/2003
s. 39(3).

(f) a person who is the holder of an inter-State permit to acquire a category C longarm or a general category handgun where—

S. 94(4)(f)(i)
amended by
No. 28/2003
s. 39(3).

- (i) that person is acquiring a category C longarm or a general category handgun in accordance with the permit; and
- (ii) the permit has been issued not more than 28 days before the acquisition of the firearm; and
- (iii) in order to acquire the firearm, the permit holder personally attends at the premises where the dealer from whom the firearm is being acquired carries on business.

95 Prohibition on acquisition of firearm except from licensed firearms dealer

S. 95(1)
amended by
No. 28/2003
s. 40(1).

- (1) A person who is not a licensed firearms dealer must not acquire a category A or B longarm from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 120 penalty units or 2 years imprisonment.

S. 95(1A)
inserted by
No. 78/2005
s. 39.

- (1A) A person who is not a licensed firearms dealer must not acquire a paintball marker from a person who is not a licensed firearms dealer, unless the person who is acquiring the paintball marker engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A person who is not a licensed firearms dealer must not acquire a category C or D longarm from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 95(2)
amended by
No. 28/2003
s. 40(2).

Penalty: 240 penalty units or 4 years
imprisonment.

- (2A) A person who is not a licensed firearms dealer must not acquire a general category handgun from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 95(2A)
inserted by
No. 28/2003
s. 40(3).

Penalty: 600 penalty units or 5 years
imprisonment.

- (3) A person who is not a licensed firearms dealer must not acquire a category E longarm from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 95(3)
amended by
No. 28/2003
s. 40(4).

Penalty: 600 penalty units or 7 years
imprisonment.

- (4) A person who is not a licensed firearms dealer must not acquire a category E handgun from a person who is not a licensed firearms dealer, unless the person who is acquiring the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 95(4)
inserted by
No. 28/2003
s. 40(5).

Penalty: 1200 penalty units or 10 years
imprisonment.

96 Prohibition on disposal of firearm except to licensed firearms dealer

S. 96(1)
amended by
No. 28/2003
s. 41(1).

- (1) A person who is not a licensed firearms dealer must not dispose of a category A or B longarm to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 120 penalty units or 2 years imprisonment.

S. 96(1A)
inserted by
No. 78/2005
s. 40.

- (1A) A person who is not a licensed firearms dealer must not dispose of a paintball marker to a person who is not a licensed firearms dealer, unless the person who is disposing of the paintball marker engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 120 penalty units or 2 years imprisonment.

S. 96(2)
amended by
No. 28/2003
s. 41(2).

- (2) A person who is not a licensed firearms dealer must not dispose of a category C or D longarm to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 240 penalty units or 4 years imprisonment.

S. 96(2A)
inserted by
No. 28/2003
s. 41(3).

- (2A) A person who is not a licensed firearms dealer must not dispose of a general category handgun to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

Penalty: 600 penalty units or 5 years imprisonment.

- (3) A person who is not a licensed firearms dealer must not dispose of a category E longarm to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 96(3)
amended by
No. 28/2003
s. 41(4).

Penalty: 600 penalty units or 7 years imprisonment.

- (4) A person who is not a licensed firearms dealer must not dispose of a category E handgun to a person who is not a licensed firearms dealer, unless the person who is disposing of the firearm engages a licensed firearms dealer as his or her agent in the transaction.

S. 96(4)
inserted by
No. 28/2003
s. 41(5).

Penalty: 1200 penalty units or 10 years imprisonment.

97 Fees to be charged by dealers

A licensed firearms dealer must not charge more than the prescribed amount for acting as an agent under section 95 or 96.

Penalty: 10 penalty units.

98 Requirement for taking or giving of possession of firearm to be in person

- (1) A person who is not a licensed firearms dealer must not take possession of a firearm by any means other than by personally receiving possession of the firearm.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A person who is not a licensed firearms dealer must not give possession of a firearm by any means other than by personally giving possession of the firearm.

Penalty: 120 penalty units or 2 years imprisonment.

99 Control of acquisition from a place outside the State

- (1) If a licensed firearms dealer is acquiring a category A or B longarm from a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not take possession of that firearm from any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 60 penalty units or 12 months imprisonment.

S. 99(1A)
inserted by
No. 78/2005
s. 41.

- (1A) If a licensed firearms dealer is acquiring a paintball marker from a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not take possession of that firearm from any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) If a licensed firearms dealer is acquiring a category C or D longarm or a general category handgun from a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not take possession of that firearm from any person other than a person who holds a licence in that place which corresponds with a dealers licence.

S. 99(2)
amended by
No. 28/2003
s. 42(1).

Penalty: 120 penalty units or 2 years imprisonment.

- (3) If a licensed firearms dealer is acquiring a category E longarm or a category E handgun from a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not take possession of that firearm from any person other than a person who holds a licence in that place which corresponds with a dealers licence.

S. 99(3)
amended by
No. 28/2003
s. 42(2).

Penalty: 240 penalty units or 4 years imprisonment.

100 Control of disposal to place outside the State

- (1) If a licensed firearms dealer is disposing of a category A or B longarm to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 60 penalty units or 12 months imprisonment.

- (1A) If a licensed firearms dealer is disposing of a paintball marker to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the

S. 100(1A)
inserted by
No. 78/2005
s. 42.

dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 60 penalty units or 12 months imprisonment.

S. 100(2)
amended by
No. 28/2003
s. 43(1).

- (2) If a licensed firearms dealer is disposing of a category C or D longarm or a general category handgun to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 120 penalty units or 2 years imprisonment.

S. 100(3)
amended by
No. 28/2003
s. 43(2).

- (3) If a licensed firearms dealer is disposing of a category E longarm or a category E handgun to a place outside Victoria but within Australia (whether or not on his or her own behalf or as an agent for another person), the dealer must not give possession of that firearm to any person other than a person who holds a licence in that place which corresponds with a dealers licence.

Penalty: 240 penalty units or 4 years imprisonment.

S. 100A
inserted by
No. 50/2007
s. 27,
amended by
No. 44/2021
s. 18 (ILA
s. 39B(1)).

100A Hiring and loaning of firearms by licensed firearms dealers

- (1) A licensed firearms dealer must not hire or loan a firearm to a person unless—
- (a) the person is the holder of a licence that authorises the person to possess, carry or use the type of firearm sought to be hired or loaned; and

(b) 28 days or more have expired since the issue of the licence referred to in paragraph (a); and

(c) the person possesses a registered firearm under the licence, that has been acquired before the hiring or loan takes place.

Penalty: 120 penalty units or 2 years imprisonment.

(2) A licensed firearms dealer must not hire or loan a firearm to a person for a period of more than 30 days.

S. 100A(2)
inserted by
No. 44/2021
s. 18.

Penalty: 120 penalty units or 2 years imprisonment.

100B Extension of hire or loan of firearms by licensed firearms dealers

S. 100B
inserted by
No. 44/2021
s. 19.

(1) On or before the expiry of the period referred to in section 100A(2), a person who hires or loans a firearm from a licensed firearms dealer may make an application to the licensed firearms dealer to extend the period of the hire or loan.

(2) An application under subsection (1) must be made in writing.

(3) A licensed firearms dealer must not extend the period of the hire or loan of a firearm for a period of more than 30 days.

Penalty: 120 penalty units or 2 years imprisonment.

101 Prohibitions on advertising

(1) A person must not publish or cause to be published an advertisement which advertises that a firearm is offered for sale unless—

S. 101(1)
substituted by
No. 2/2018
s. 20(1).

(a) the person is a licensed firearms dealer and the advertisement contains the person's dealers licence number; or

- (b) the advertisement contains a statement that the proposed sale is to be arranged by or through a licensed firearms dealer.

Penalty: 40 penalty units.

S. 101(2)
repealed by
No. 2/2018
s. 20(1).

* * * * *

S. 101(3)
substituted by
No. 2/2018
s. 20(2).

- (3) A person must not publish or cause to be published an advertisement which advertises that a firearm is offered for sale unless the advertisement contains—

- (a) the serial number of the firearm; and
(b) where the firearm is being offered for sale by, or on behalf of, a person who is not a licensed firearms dealer—the firearms licence number of that person.

Penalty: 10 penalty units.

- (4) In any proceedings for an offence under subsection (3) it is a defence to prove that immediately before making the publication, the person publishing the advertisement or causing the advertisement to be published, after making reasonable enquiries, did not know that the advertisement indicated that a firearm was for sale.

S. 101(5)
repealed by
No. 2/2018
s. 20(3).

* * * * *

101A Prohibition on the acquisition or disposal of traffickable quantities of firearms

S. 101A
inserted by
No. 28/2003
s. 44.

- (1) A person, who is not the holder of a dealers licence, must not acquire or dispose of 2 or more firearms within a period of 12 months, unless the person does so in accordance with this Act or the regulations.

S. 101A(1)
amended by
Nos 44/2015
s. 6(1), 2/2018
s. 21(1),
substituted by
No. 3/2019
s. 42.

Penalty: 1200 penalty units or 10 years imprisonment.

* * * * *

S. 101A(2)
amended by
Nos 44/2015
s. 6(2), 2/2018
s. 21(2),
repealed by
No. 3/2019
s. 42.

- (3) A person who is convicted or found guilty of an offence against subsection (1) is not liable to be convicted or found guilty of an offence against section 95(1), (2), (2A), (3) or (4), section 96(1), (2), (2A), (3) or (4) or section 102(1), (2), (2A), (3) or (3A) in respect of possession of the same firearms at the same time.

101B Prohibition on providing financial accommodation for the illegal acquisition or disposal of firearms

S. 101B
inserted by
No. 28/2003
s. 44.

- (1) A person must not lend money, guarantee the lending of money or otherwise provide financial accommodation for the purpose of acquiring or disposing of a category A or B longarm—
- (a) knowing that the acquisition or disposal does not comply with this Act; or
- (b) being reckless as to whether or not the acquisition or disposal complies with this Act.

Penalty: 120 penalty units or 2 years imprisonment.

- (2) A person must not lend money, guarantee the lending of money or otherwise provide financial accommodation for the purpose of acquiring or disposing of a category C or D longarm or a general category handgun—
- (a) knowing that the acquisition or disposal does not comply with this Act; or
 - (b) being reckless as to whether or not the acquisition or disposal complies with this Act.

Penalty: 240 penalty units or 4 years imprisonment.

- (3) A person must not lend money, guarantee the lending of money or otherwise provide financial accommodation for the purpose of acquiring or disposing of a category E longarm or a category E handgun—
- (a) knowing that the acquisition or disposal does not comply with this Act; or
 - (b) being reckless as to whether or not the acquisition or disposal complies with this Act.

Penalty: 600 penalty units or 7 years imprisonment.

S. 101C
inserted by
No. 44/2021
s. 20.

101C Licensed firearms dealer sending firearms or firearms parts by post to another licensed firearms dealer

If a licensed firearms dealer sends a firearm or firearms parts to another licensed firearms dealer by post within or outside Victoria, the licensed firearms dealer must ensure that any package containing the firearm or firearms parts—

- (a) is labelled in a way that does not identify the contents of the package; and
- (b) is sent using a postal service or other courier service that—
 - (i) electronically tracks the movement and delivery of the package; and
 - (ii) requires the licensed firearms dealer to whom the package is sent to personally receive the package.

Penalty: 10 penalty units.

Division 2—Permit to acquire a firearm

102 Offence to acquire a firearm without a permit

- (1) A person must not acquire a category A or B longarm unless that person has a permit to acquire that firearm.

Penalty: 60 penalty units or 12 months imprisonment.

- (1A) A person must not acquire a paintball marker unless that person has a permit to acquire that firearm.

S. 102(1A)
inserted by
No. 78/2005
s. 43.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) A person must not acquire a category C or D longarm unless that person has a permit to acquire that firearm.

S. 102(2)
amended by
No. 28/2003
s. 45(1).

Penalty: 120 penalty units or 2 years imprisonment.

- (2A) A person must not acquire a general category handgun unless that person has a permit to acquire that handgun.

S. 102(2A)
inserted by
No. 28/2003
s. 45(2).

Penalty: 600 penalty units or 5 years imprisonment.

- (3) A person must not acquire a category E longarm unless that person has a permit to acquire that firearm.

Penalty: 240 penalty units or 4 years imprisonment.

S. 102(3A)
inserted by
No. 28/2003
s. 45(3).

- (3A) A person must not acquire a category E handgun unless that person has a permit to acquire that handgun.

Penalty: 1200 penalty units or 10 years imprisonment.

S. 102(4)
amended by
No. 28/2003
s. 45(4).

- (4) Subsections (1), (2), (2A), (3) and (3A) do not apply to a person who is a licensed firearm dealer.

S. 102(4A)
inserted by
No. 55/2009
s. 17,
amended by
No. 82/2012
ss 96(1), 309.

- (4A) Subsections (1), (2) and (2A) do not apply to a senior IBAC Officer who is authorised under section 109 of the **Independent Broad-based Anti-corruption Commission Act 2011** to acquire or dispose of firearms.

S. 102(5)
inserted by
No. 84/1997
s. 45.

- (5) Subsection (1) does not apply to a person—
- (a) who is the holder of an inter-State permit to acquire a category A or B longarm which has been issued not more than 28 days before the acquisition of the longarm; and
 - (b) who is acquiring a category A or B longarm in accordance with the permit; and
 - (c) who, in order to acquire the longarm, personally attends at the premises where the dealer—
 - (i) from whom the longarm is being acquired; or
 - (ii) who is acting as agent in the transaction—
- (as the case requires) carries on business.

(6) Subsection (2) does not apply to a person—

S. 102(6)
inserted by
No. 84/1997
s. 45.

(a) who is the holder of an inter-State permit to acquire a category C longarm which has been issued not more than 28 days before the acquisition of the firearm; and

S. 102(6)(a)
amended by
No. 28/2003
s. 45(5).

(b) who is acquiring a category C longarm in accordance with the permit; and

S. 102(6)(b)
amended by
No. 28/2003
s. 45(5).

(c) who, in order to acquire the firearm, personally attends at the premises where the dealer—

(i) from whom the firearm is being acquired; or

(ii) who is acting as agent in the transaction—

(as the case requires) carries on business.

(7) Subsection (2A) does not apply to a person—

S. 102(7)
inserted by
No. 28/2003
s. 45(6).

(a) who is the holder of an inter-State permit to acquire a general category handgun which has been issued not more than 28 days before the acquisition of the firearm; and

(b) who is acquiring a general category handgun in accordance with the permit; and

(c) who, in order to acquire the firearm, personally attends at the premises where the dealer—

(i) from whom the firearm is being acquired; or

- (ii) who is acting as agent in the transaction—

(as the case requires) carries on business.

103 Issue of permit to acquire

The Chief Commissioner may issue a permit to a person to acquire a firearm if that person is the holder of a licence under Part 2 and that licence authorises the possession of that firearm (whether or not generally or in specific terms).

104 General discretion of Chief Commissioner to refuse to issue a permit to acquire

- (1) The Chief Commissioner must not issue a permit to acquire—
 - (a) if the applicant or any responsible person in relation to the application is a prohibited person; or
 - (b) unless the Chief Commissioner is satisfied that—
 - (i) the applicant and all responsible persons in relation to the application are fit and proper persons; and
 - (ii) the applicant can comply with the storage requirements set out by or under the Act; and
 - (iii) the acquisition of the firearm is not against the public interest; or
 - (c) for any prescribed reason; or
 - (d) unless—
 - (i) the applicant can demonstrate that the reason for which the licence was required continues to apply in respect of the category of firearm for which the application for the permit is made; and

S. 104(1)(b)(iii)
amended by
No. 22/1998
s. 24(a).

- | | |
|--|--|
| (ii) in the case of an application for a permit to acquire a category B longarm or a general category handgun, the applicant has demonstrated a genuine need to possess, carry or use a category B longarm or a general category handgun; and | S. 104(1)(d)(ii) amended by No. 28/2003 s. 46(1)(a). |
| (iia) in the case of an application for a permit to acquire a category E handgun, the applicant has demonstrated a compelling reason to possess, carry or use a category E handgun; and | S. 104(1)(d)(iia) inserted by No. 28/2003 s. 46(1)(b). |
| (iii) in the case of an application for a permit to acquire a category C or D firearm— | |
| (A) if the application is for a semi-automatic rifle, the applicant does not possess another semi-automatic rifle; and | |
| (B) if the application is for a semi-automatic shotgun or a pump action shotgun and the applicant holds the relevant licence for a reason set out in section 11(1)(a)(i), (ii) or (iv), the applicant does not possess another semi-automatic shotgun or pump action shotgun; or | S. 104(1)(d)(iii)(B) amended by Nos 22/1998 s. 24(b), 28/2003 s. 46(1)(c). |
| (e) in the case of an application for a permit to acquire a handgun by a person who has held a handgun target shooting licence for a period of 6 months or less, for any general category handgun other than— | S. 104(1)(e) inserted by No. 28/2003 s. 46(2), amended by No. 78/2005 s. 44(a)(i). |
| (i) a 177 inch calibre air handgun, if the applicant has not already acquired such a handgun; or | |

S. 104(1)(e)(iii)
inserted by
No. 78/2005
s. 44(a)(ii).

S. 104(1)(f)
inserted by
No. 28/2003
s. 46(2),
amended by
No. 78/2005
s. 44(b).

S. 104(1)(g)
inserted by
No. 28/2003
s. 46(2).

- (ii) a 22 inch calibre handgun or a centre fire handgun, if the applicant has not already acquired a handgun of either such class; or
- (iii) a black powder handgun that is muzzle loading, if the applicant has not already acquired such a handgun; or
- (f) in the case of an application for a permit to acquire a handgun by a person who holds a handgun target shooting licence—
 - (i) unless a nominated officer of an approved handgun target shooting club, of which the applicant is and has been a member for the period of 6 months immediately preceding the application, has endorsed the application; or
 - (ii) if the applicant has not been a member of an approved handgun target shooting club for the period of 6 months immediately preceding the application, unless—
 - (A) a nominated officer of an approved handgun target shooting club of which the applicant is a member has endorsed the application; and
 - (B) a nominated officer of an approved handgun target shooting club, of which the applicant has been a member, in the preceding 12 months, for a consecutive period of at least 6 months, has endorsed the application; or
- (g) in the case of an application for a permit to acquire a handgun for the purpose of collecting handguns, unless a nominated

officer of an approved firearms collectors club to which the applicant belongs has endorsed the application.

- | | |
|--|---|
| (1A) An applicant or a responsible person in relation to an application is presumed not to be a fit and proper person for the purposes of subsection (1)(b)(i) if he or she is a declared organisation member. | S. 104(1A)
inserted by
No. 55/2014
s. 100. |
| (1B) A presumption under subsection (1A) may be rebutted. | S. 104(1B)
inserted by
No. 55/2014
s. 100. |
| (2) In determining whether or not an applicant has a genuine need to possess, carry or use a category B longarm or a general category handgun, the Chief Commissioner must have regard to— | S. 104(2)
amended by
No. 28/2003
s. 46(3). |
| (a) in the case of a category B longarm, whether or not the need expressed by the applicant cannot be satisfied by the possession, carriage or use of a category A longarm; and | |
| (b) in any case, the number, category and type of firearms already possessed by the applicant; and | |
| (c) any other prescribed matter. | |

105 Review of decision not to issue permit

A non-prohibited person who has applied for the issue of a permit to acquire, may apply to the Committee for a review of a decision of the Chief Commissioner not to issue a permit to that person.

106 Application for a permit to acquire

- (1) A person who is applying for a permit to acquire must make the application to the Chief Commissioner.

S. 106(1A)
inserted by
No. 50/2007
s. 28.

S. 106(2)
amended by
No. 78/2005
s. 45.

- (1A) An application must specify the address where it is proposed that the firearm will ordinarily be stored.
- (2) An application must be in a form and manner approved by the Chief Commissioner.
- (3) The applicant must pay the prescribed fee for the permit.

S. 107
substituted by
No. 22/1998
s. 25.

107 Waiting period for issue of permit

- (1) In the case of an application for a permit to acquire which has been made by a person who does not possess a registered firearm under a licence under this Act, the Chief Commissioner must not issue the permit until 28 days have expired after the making of the application for the permit.
- (2) In any other case the Chief Commissioner must not issue the permit until sufficient time has expired to allow the Chief Commissioner to consider the application properly.

108 Form of permit

A permit to acquire must be in the form approved by the Chief Commissioner.

109 Conditions applying to a permit

- (1) A permit to acquire is subject to any condition which is imposed on that permit or generally on permits to acquire by the Chief Commissioner and which is specified in the permit.
- (2) A person who is the holder of a permit to acquire must comply with any condition to which the permit is subject.

Penalty: 30 penalty units.

110 Duration of permit

A permit to acquire continues in force from the time it is issued—

- (a) for a period of 28 days; or
- (b) until the firearm to which it relates is acquired; or
- (c) if the permit is cancelled, until it is cancelled—

whichever occurs first.

111 Cancellation of permit

- (1) A permit to acquire may be cancelled at any time by the Chief Commissioner.
- (2) The Chief Commissioner must serve notice of the cancellation of the permit on the holder of the permit, either personally or by post and must give reasons for the cancellation in the notice.
- (3) Cancellation of a permit under this section has effect from the time at which notice under subsection (2) is served.

112 Surrender of firearms acquired under cancelled permit

- (1) If a permit to acquire is surrendered or cancelled, the person to whom it was issued must immediately surrender to a police officer—

- (a) the permit; and
- (b) any firearm acquired under the permit.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) Despite the surrender or seizure of a firearm under this section, the person who has surrendered the firearm or from whom the firearm has been seized continues to be the owner of the firearm.

S. 112(1)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

Firearms Act 1996
No. 66 of 1996
Part 4—Acquisition and disposal of firearms and related items

S. 112(3)
amended by
No. 26/1997
s. 25.

- (3) If the permit of a person who has surrendered a firearm or from whom a firearm has been seized, is cancelled, that person must dispose of the firearm to a licensed firearms dealer within 28 days of the cancellation of the permit.

Penalty: 60 penalty units or 12 months imprisonment.

Part 4A—Firearm prohibition orders

Division 1—Definitions

Pt 4A
(Headings
and ss 112A–
112U)
inserted by
No. 2/2018
s. 22.

112A Definitions

S. 112A
inserted by
No. 2/2018
s. 22.

In this Part and in Parts 8 and 10A—

firearm prohibition order means an order made
under section 112D(1);

firearm related item means any of the
following—

- (a) a part of a firearm;
- (b) cartridge ammunition;
- (c) a silencer;
- (d) an attachment for a firearm;
- (e) an accessory for a firearm;
- (f) any other prescribed item related to a
firearm.

Division 2—Firearm prohibition order offences

112B Offence to acquire, possess, carry or use a firearm or firearm related item in contravention of a firearm prohibition order

S. 112B
inserted by
No. 2/2018
s. 22.

A person to whom a firearm prohibition order
applies must not acquire, possess, carry or use a
firearm or firearm related item.

Penalty: 10 years imprisonment.

S. 112C
inserted by
No. 2/2018
s. 22.

112C Offence as to disposal of a firearm etc. to an individual to whom a firearm prohibition order applies

- (1) A person must not, knowing that a firearm prohibition order applies to another person—
- (a) dispose of or give possession of a firearm to the other person; or
 - (b) enable or permit the other person to possess, carry or use a firearm.

Penalty: 10 years imprisonment.

- (2) A person must not, knowing that a firearm prohibition order applies to another person—
- (a) dispose of or give possession of a firearm related item to the other person; or
 - (b) enable or permit the other person to possess, carry or use a firearm related item.

Penalty: 3 years imprisonment.

S. 112CA
inserted by
No. 44/2021
s. 21.

112CA Offence to fail to notify Chief Commissioner of change of address

A person to whom a firearm prohibition order applies must notify the Chief Commissioner of any change to the person's residential address within 24 hours of the change occurring.

Penalty: 50 penalty units or 12 months imprisonment.

Division 3—Firearm prohibition orders

S. 112D
inserted by
No. 2/2018
s. 22.

112D Making a firearm prohibition order

- (1) The Chief Commissioner may make an order prohibiting an individual from doing all or any of the following—
- (a) acquiring any firearm or firearm related item;

- (b) possessing, carrying or using any firearm or any firearm related item.
- (2) The Chief Commissioner must not make a firearm prohibition order in respect of a person who is under the age of 14 years.
- (3) A firearm prohibition order may be made even though the individual to whom the order applies or is to apply has never acquired, possessed, carried or used a firearm or a firearm related item.
- (4) A firearm prohibition order may be made that applies to an individual to whom a previous firearm prohibition order applied that has expired or been revoked.

112E Considerations for making a firearm prohibition order

S. 112E
inserted by
No. 2/2018
s. 22.

The Chief Commissioner may make a firearm prohibition order only if the Chief Commissioner is satisfied that it is in the public interest to do so—

- (a) because of the criminal history of the individual; or
- (b) because of the behaviour of the individual; or
- (c) because of the people with whom the individual associates; or
- (d) because, on the basis of information known to the Chief Commissioner about the individual, the individual may pose a threat or risk to public safety.

112F Delegation of power to make order

S. 112F
inserted by
No. 2/2018
s. 22.

- (1) The Chief Commissioner, in writing, may delegate the power to make a firearm prohibition order to—
 - (a) a Deputy Commissioner; or

S. 112F(1)(e)
substituted by
No. 44/2021
s. 22.

S. 112F(1)(f)
inserted by
No. 44/2021
s. 22.

- (b) an Assistant Commissioner; or
 - (c) a person employed by the Chief Commissioner under Division 5 of Part 3 of the **Public Administration Act 2004** at an executive level in the Victorian public service; or
 - (d) a person who has the rank of commander; or
 - (e) a person who has the rank of chief superintendent or superintendent; or
 - (f) a person who has the rank of inspector who has responsibility over one or more of the following portfolio types—
 - (i) crime;
 - (ii) transit and public safety;
 - (iii) intelligence and covert support;
 - (iv) licensing and regulation;
 - (v) family violence;
 - (vi) counter terrorism;
 - (vii) tasking and coordination;
 - (viii) investigation and response;
 - (ix) local area commanders (police service areas);
 - (x) operational support.
- (2) In this section, ***Deputy Commissioner, Assistant Commissioner, commander, chief superintendent*** and ***superintendent*** have the same meanings as in the **Victoria Police Act 2013**.

112G Form and content of order

S. 112G
inserted by
No. 2/2018
s. 22.

A firearm prohibition order must contain the following particulars—

- (a) a statement of the effect of the order, including the conduct prohibited by the order and the powers for enforcing the order under this Part;
- (b) information identifying the individual to whom the order applies;
- (c) a statement of the fact that the order takes effect on the day on which it is served on the individual to whom it applies;
- (d) the date on which the order expires;
- (e) the provisions of this Act that empower the making of the order;
- (f) a statement setting out section 112P and a direction to comply with that section;
- (g) that the individual to whom the order applies may apply to VCAT under this Act for review of the decision to make the order;
- (h) details of—
 - (i) the offences in sections 112B, 112O and 112P; and
 - (ii) the powers of police under sections 112Q, 112R and 112S; and
 - (iii) the effect of section 112H.

112H Cancellation of licences and permits

S. 112H
inserted by
No. 2/2018
s. 22.

- (1) All licences, permits and approvals under this Act (if any) held by an individual to whom a firearm prohibition order applies are cancelled by the making of the order and the cancellation has effect on the order being served on the individual.

- (2) If a licence, permit or approval under this Act is held by a body corporate, an officer of which is an individual to whom a firearm prohibition order applies, the licence, permit or approval is cancelled by the making of the order and the cancellation has effect on the order being served on the individual.

Note

See offence in section 112P as to surrender of firearms.

S. 112I
inserted by
No. 2/2018
s. 22.

112I Service of order

A firearm prohibition order must be served in person on the individual to whom it applies by a police officer.

S. 112J
inserted by
No. 2/2018
s. 22.

112J Duration of order

- (1) A firearm prohibition order that applies to an individual who is of or over the age of 18 years remains in force for 10 years from the day on which it is served on the individual.
- (2) A firearm prohibition order that applies to an individual who is under the age of 18 years remains in force for 5 years from the day on which it is served on the individual.

S. 112K
inserted by
No. 2/2018
s. 22.

112K Revocation of order

- (1) The Chief Commissioner may revoke a firearm prohibition order.
- (2) To avoid doubt, the power in subsection (1) is a power that may be exercised solely at the discretion of the Chief Commissioner and application may not be made to the Chief Commissioner by another person for the Chief Commissioner to exercise the power.

Division 4—Reviews as to firearm prohibition orders

112L Review of decision to make a firearm prohibition order

S. 112L
inserted by
No. 2/2018
s. 22.

- (1) An individual to whom a firearm prohibition order applies may apply to VCAT for a review of the Chief Commissioner's decision to make the order.
- (2) Section 50(3) of the **Victorian Civil and Administrative Tribunal Act 1998** does not apply to a review under subsection (1).

112M Further right to apply for review of decision to make firearm prohibition order

S. 112M
inserted by
No. 2/2018
s. 22.

- (1) Subject to subsection (2), during the operation of a firearm prohibition order, the individual to whom the order applies may apply to VCAT for a review of the decision to make the order.
- (2) An application under subsection (1) may be made if more than half the time for which the order is in force under this Act has expired.
- (3) An application under subsection (1) must not be made more than once in respect of an order.
- (4) The right to apply for review under subsection (1)—
 - (a) is in addition to the right set out in section 112L; and
 - (b) may be exercised irrespective of whether a right under section 112L has been exercised.
- (5) Sections 45(2) and 50(3) of the **Victorian Civil and Administrative Tribunal Act 1998** do not apply to a review applied for under subsection (1).

- (6) In making a decision on a review applied for under subsection (1), VCAT may—
- (a) have regard to all information and material on which the decision to make the order was based; and
 - (b) any other relevant information and material.

S. 112N
inserted by
No. 2/2018
s. 22.

112N Protected information

To avoid doubt, section 54 of the **Victorian Civil and Administrative Tribunal Act 1998** applies to a review under this Division.

Division 5—Further offences and enforcement

S. 112O
inserted by
No. 2/2018
s. 22.

112O Offence for individual to whom a firearm prohibition order applies to enter or remain on certain premises

- (1) An individual to whom a firearm prohibition order applies must not enter or remain on any of the following—
- (a) a premises on which a person carries on the business of being a firearms dealer (within the meaning of Part 3);
 - (b) a shooting range;
 - (c) a handgun target shooting club;
 - (d) a firearms collectors club;
 - (e) a shooting club;
 - (f) a place where a handgun target shooting match is occurring;
 - (g) a paintball range or place at which paintball activities are carried out;
 - (h) a premises where firearms are stored;

(i) a prescribed premises.

Penalty: 50 penalty units or 12 months imprisonment.

(2) Premises that may be prescribed for the purpose of subsection (1)(i) are premises where the presence of an individual to whom a firearm prohibition order applies is a risk to public safety and order.

112P Offence to fail to surrender firearms or firearm related items on service of order

S. 112P
inserted by
No. 2/2018
s. 22.

(1) At the time a firearm prohibition order is served, the individual on whom the order is served must immediately surrender, to the police officer serving the order, or a police officer assisting that officer, any firearm or firearm related item—

(a) that is in the possession of that individual; or

(b) that the individual is carrying or using.

Penalty: 5 years imprisonment.

(2) If an individual is unable to surrender a firearm or firearm related item under subsection (1), the individual must surrender that firearm or firearm related item to a police officer in the manner directed by the police officer who serves the order, and no later than 24 hours after the order is served.

Penalty: 5 years imprisonment.

112Q Search of premises, vehicles, vessels or aircraft without warrant or consent

S. 112Q
inserted by
No. 2/2018
s. 22.

(1) A police officer, without warrant or consent, may exercise any of the powers under subsection (2), if the exercise of the power is reasonably required to determine whether an individual to whom a firearm prohibition order applies has acquired, possesses or is carrying or using a firearm

or firearm related item in contravention of section 112B or another provision of this Act.

- (2) For the purposes of subsection (1), the police officer may exercise the following powers—
 - (a) enter and search any premises occupied by, in the care of or under the control or management of the individual, including any thing on the premises and including any vehicle, vessel or aircraft on the premises;
 - (b) search any vehicle, vessel or aircraft that is in the charge of the individual, or in which the individual is a passenger, wherever the vehicle, vessel or aircraft is located.
- (3) A police officer may conduct an entry or a search under this section with the assistance of any other police officer.
- (4) A police officer who conducts an entry or a search under this section may do the following—
 - (a) stop and detain the vehicle, vessel or aircraft being searched for so long as is reasonably necessary to conduct the search;
 - (b) seize any firearm or firearm related item found on the premises, vehicle, vessel or aircraft.
- (5) Before a police officer commences a search of a premises, vehicle, vessel or aircraft under this section, if the individual to whom the order applies is present, the police officer must inform the individual—
 - (a) of the registered number of the police officer allocated to the police officer by Victoria police; and

- (b) that the police officer intends to search the premises, vehicle, vessel or aircraft for any firearm or firearm related item and that the police officer is empowered to conduct the search under this Act.
- (6) If it is not practicable to do give the information required to be given under subsection (5) before commencing a search because of a risk to the safety of a police officer or person involved in the search, the police officer must give the information required to be given under subsection (5) after the search is finished.
- (7) If so requested by another person present at the premises, vehicle, vessel or aircraft at any time before commencing or during a search under this section, the police officer must inform the person—
 - (a) of the registered number of the police officer allocated to the police officer by Victoria police; and
 - (b) that the police officer intends to search, or is searching, the premises, vehicle, vessel or aircraft for any firearm or firearm related item and that the police officer is empowered to conduct the search under this Act.
- (8) If it is not practicable to do give the information required to be given under subsection (7) before commencing a search or during a search because of a risk to the safety of a police officer or person involved in the search, the police officer must give the information required to be given under subsection (7) after the search is finished.

S. 112R
inserted by
No. 2/2018
s. 22.

112R Search of individual to whom firearm prohibition order applies without warrant or consent

- (1) A police officer, without warrant or consent, may exercise any of the powers set out in subsection (2), if the exercise of the power is reasonably required to determine whether an individual has acquired, possesses or is carrying or using a firearm or firearm related item in contravention of section 112B or another provision of this Act.
- (2) For the purposes of subsection (1), the police officer may exercise the following powers—
 - (a) search the individual, other than by strip searching the individual;
 - (b) search any item, package or thing in the possession of the individual.
- (3) A police officer who conducts a search under this section may do the following—
 - (a) stop and detain the individual being searched for so long as is reasonably necessary to conduct the search;
 - (b) seize any firearm or firearm related item—
 - (i) that is found on the individual or in any item, package or thing in the individual's possession; or
 - (ii) that the individual is carrying or using.
- (4) Before a police officer commences a search of an individual to whom a firearm prohibition order applies under this section or any item package or thing in the possession of the individual, the police officer must inform the individual—
 - (a) of the registered number of the police officer allocated to the police officer by Victoria police; and

(b) that the police officer intends to search the individual and any item, package or thing in the individual's possession for any firearm or firearm related item and that the police officer is empowered to conduct the search under this Act.

(5) A police officer may detain an individual for so long as is reasonably necessary to conduct a search under this section.

112S Search of an accompanying person without warrant or consent

S. 112S
inserted by
No. 2/2018
s. 22.

- (1) A police officer, without warrant or consent, may exercise any of the powers set out in subsection (2) with respect to a person who is in the company of an individual to whom a firearm prohibition order applies, if the police officer reasonably suspects that the person—
- (a) is committing or is about to commit an offence against this Act; and
 - (b) has a firearm or firearm related item in the person's possession.
- (2) For the purposes of subsection (1), the police officer may exercise the following powers—
- (a) search the person, other than by strip searching the person;
 - (b) search any item, package or thing in the possession of the person.
- (3) A police officer who conducts a search under this section may do the following—
- (a) stop and detain the person being searched for so long as is reasonably necessary to conduct the search;

- (b) seize any firearm or firearm related item—
 - (i) that is found on the person or in any item, package or thing in the person's possession; or
 - (ii) that the person is carrying or using.
- (4) Before a police officer commences a search of a person under this section, or any item, package or thing in the possession of the person, the police officer must inform the person—
 - (a) of the registered number of the police officer allocated to the police officer by Victoria police; and
 - (b) that the police officer intends to search the person and any item, package or thing in the person's possession for any firearm or firearm related item and that the police officer is empowered to conduct the search under this Act.
- (5) A police officer may detain a person for so long as is reasonably necessary to conduct a search under this section.

S. 112T
inserted by
No. 2/2018
s. 22.

**112T Dealing with firearms or firearm related items
surrendered or seized under this Part**

- (1) If a firearm or firearm related item is surrendered or seized under this Part the following subsections apply.
- (2) The police officer to whom the firearm or firearm related item was surrendered or who seized the firearm or firearm related item may retain possession of the firearm or firearm related item—
 - (a) if the firearm or firearm related item is evidence of an offence against this Act, for so long as is required for that purpose; or

- (b) if it is reasonably necessary to test the firearm or firearm related item to determine if it is evidence of an offence against this Act or another Act, for so long as is required for that purpose.
- (3) The firearm or firearm related item is forfeited to the Crown—
 - (a) if the individual or person who surrendered the firearm or firearm related item or from whom the firearm or firearm related item was seized is not lawfully entitled to possess the firearm or firearm related item, and no other person is lawfully entitled to possess the firearm or firearm related item; or
 - (b) if the firearm or firearm related item has been acquired, possessed, carried or used, in contravention of this Act, by the individual or person who surrendered it or from whom it was seized.
- (4) The firearm or firearm related item must be returned to the person who is lawfully entitled to possess it if—
 - (a) the firearm or firearm related item is not forfeited to the Crown under subsection (3); and
 - (b) the firearm or firearm related item is not required or no longer required under subsection (2).

Note

Part 8 deals with the disposal of firearms and other items forfeited to the Crown or surrendered or seized under this Act.

S. 112U
inserted by
No. 2/2018
s. 22.

112U Certain references to prohibited person to include references to an individual to whom a firearm prohibition order applies

- (1) Any reference in a provision listed in subsection (2)—
 - (a) to a ***prohibited person*** is taken to include a reference to an ***individual to whom a firearm prohibition order applies***; and
 - (b) to a ***non-prohibited person*** is taken not to include a reference to an ***individual to whom a firearm prohibition order applies***.
- (2) For the purpose of subsection (1), the following provisions are listed—
 - (a) any provision of Division 2, 4, 5, 6, 7, 8 or 10 of Part 2;
 - (b) any provision of Part 3 (other than Division 3), 4, 6 or 6A; and
 - (c) section 179.

Part 5—Registration of firearms

113 Keeping of register

- (1) The Chief Commissioner must keep a register of each firearm kept within the State.
- (2) The register is to be called the firearms register.
- (3) The following particulars must be included in the firearms register (to the extent that the particulars are known to the Chief Commissioner) against the firearm to which they apply—
 - (a) the make, type, calibre, action, serial number and, where known or available, model of the firearm; and
 - (b) the name of the person who possesses the firearm; and
 - (c) particulars of the licence under which the firearm is possessed ; and
 - (ca) the address at which the firearm is ordinarily stored; and
 - (d) any other prescribed information.
- (4) The Chief Commissioner may enter any other information relating to the firearm on the register.

S. 113(3)
amended by
No. 50/2007
s. 29(1).

S. 113(3)(a)
amended by
No. 52/2010
s. 21.

S. 113(3)(ca)
inserted by
No. 50/2007
s. 29(2).

114 Exemption from Freedom of Information Act

- (1) The firearms register is an exempt document for the purposes of the **Freedom of Information Act 1982**.
- (2) Subsection (1) does not apply where a person is applying for information on the firearms register which specifically relates to that person.

115 Notice of bringing into the State

- (1) A person who brings a firearm into the State for the purpose of keeping it in the State must give notice of the bringing in of that firearm to the Chief Commissioner.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) A notice under subsection (1) must be—

- (a) in the form approved by the Chief Commissioner; and
- (b) given within 7 days after the firearm has been brought into the State.

Penalty: 30 penalty units.

- (3) This section does not apply a person who brings a firearm into the State for the purpose of disposing of that firearm in the State where that person is—

- (a) the holder of an inter-State licence which authorises the possession, carriage or use of that firearm; and
- (b) the holder of an inter-State permit to acquire a firearm, being a permit in respect of which not more than 28 days have expired since its issue.

116 Notice of removal from the State

- (1) A person who removes a firearm from the State for the purpose of no longer keeping it in the State must give notice of the removal of that firearm to the Chief Commissioner.

Penalty: 240 penalty units or 4 years imprisonment.

S. 115(3)
inserted by
No. 22/1998
s. 26.

- (2) A notice under subsection (1) must be—
- (a) in the form approved by the Chief Commissioner; and
 - (b) given not less than 7 days before the firearm is removed from the State.

Penalty: 40 penalty units.

- (3) This section does not apply to a person who removes a firearm from the State for the purpose of no longer keeping it in the State where that firearm has been acquired in accordance with an inter-State permit to acquire and that firearm has been acquired in circumstances to which section 102(5) or (6) applies.

S. 116(3)
inserted by
No. 84/1997
s. 46.

117 Certificate of registration

S. 117
amended by
No. 50/2007
s. 30 (ILA
s. 39B(1)).

- (1) Immediately on registering a firearm, the Chief Commissioner must issue a certificate of registration for that firearm to the person who possesses the firearm which—
- (a) sets out the details of the registration of the firearm; and
 - (b) the name of the person who possesses the firearm; and
 - (c) any other prescribed information.
- (2) Despite subsection (1), the Chief Commissioner is not required to issue a certificate of registration in respect of a firearm if the Chief Commissioner is not aware of the person who possesses the firearm or of the licence particulars of the person who possesses the firearm.

S. 117(2)
inserted by
No. 50/2007
s. 30.

S. 118
amended by
No. 22/1998
s. 27.

118 Notice of transactions

A licensed firearms dealer must ensure that written notice of each transaction or dealing in firearms under the licence is sent to the Chief Commissioner within 28 days of the transaction or dealing taking place.

Penalty: 60 penalty units or 12 months imprisonment.

S. 119(1)
substituted by
No. 50/2007
s. 31.

119 Power of Chief Commissioner to require information

(1) The Chief Commissioner may, by notice in writing addressed to the holder of a licence under this Act, require the holder to give the Chief Commissioner any information relating to the acquisition, disposal, possession, hiring or loaning of—

- (a) firearms, firearm parts, silencers or prescribed items under the licence that are specified in the notice; or
- (b) firearms, firearms parts, silencers or prescribed items that have been manufactured by the holder of the licence.

(2) A person to whom a notice under subsection (1) is addressed must comply with the notice within 7 days of the giving of the notice.

Penalty: 60 penalty units or 12 months imprisonment.

S. 119A
inserted by
No. 28/2003
s. 47.

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

(1) The Chief Commissioner may, before registering a firearm, by notice in writing require the person who possesses the firearm to have that firearm stamped with a number that will enable that firearm to be individually identified.

- (2) A person to whom a notice under subsection (1) is addressed must comply with the notice within 28 days of the giving of the notice, unless the person has made an application under section 119B within the 28 day period.

Penalty: 60 penalty units or 6 months imprisonment.

- (3) This section does not apply to a firearm that is not required to be registered under this Act.

119B Application to have serial number affixed by a method other than stamping

S. 119B
inserted by
No. 28/2003
s. 47.

- (1) A person who has received a notice in writing from the Chief Commissioner under section 119A(1) may apply to the Chief Commissioner, in writing, to have the number that enables the firearm to be individually identified applied to the firearm in a manner other than stamping.
- (2) An application under subsection (1) must be made within 28 days of the giving of the notice.
- (3) On receiving an application under subsection (1), the Chief Commissioner may, in writing, approve a manner of affixing the number to the firearm other than by stamping, and may impose conditions on that approval.
- (4) A person to whom an approval under subsection (3) is addressed must comply with the approval, within 28 days of the giving of the approval.

Penalty: 60 penalty units or 6 months imprisonment.

S. 120
amended by
Nos 28/2003
s. 48, 55/2009
s. 18 (ILA
s. 39B(1)).

120 Offence not to produce firearm for inspection

S. 120(1)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

- (1) A person in whose name a firearm is registered must produce the firearm for inspection at any reasonable time and at any reasonably convenient place when so requested by a police officer.

Penalty: 60 penalty units or 12 months imprisonment.

S. 120(2)
inserted by
No. 55/2009
s. 18,
amended by
No. 82/2012
s. 96(2).

- (2) This section does not apply in respect of a firearm registered in the name of the IBAC.

Part 6—Storage

121 Storage of firearms under longarm and handgun licences

- (1) A person who possesses a firearm under a longarm licence for a category A or B longarm must store that firearm, when the firearm is not being carried or used—
- (a) in the manner provided for in item 1 of Schedule 4; or
 - (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 60 penalty units or 12 months imprisonment.

- (1A) A person who possesses cartridge ammunition under a longarm licence for a category A or B longarm must store that cartridge ammunition, when the cartridge ammunition is not being carried or used—
- (a) in the manner provided for in item 1 of Schedule 4; or
 - (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 60 penalty units or 12 months imprisonment.

- (1B) A person who possesses a paintball marker under a paintball marker licence must store that paintball marker, when is it not being carried or used—
- (a) in the manner provided for in item 1A of Schedule 4; or

S. 121(1A)
inserted by
No. 22/1998
s. 28(1).

S. 121(1B)
inserted by
No. 2/2018
s. 23.

- (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 60 penalty units or 12 months imprisonment.

S. 121(2)
amended by
No. 28/2003
s. 49(1).

- (2) A person who possesses a firearm under a handgun licence for a general category handgun or a longarm licence for a category C or D longarm must store that firearm, when the firearm is not being carried or used—

- (a) in the manner provided for in item 2 of Schedule 4; or

- (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 120 penalty units or 2 years imprisonment.

S. 121(2A)
inserted by
No. 22/1998
s. 28(2),
amended by
No. 28/2003
s. 49(2).

- (2A) A person who possesses cartridge ammunition under a handgun licence for a general category handgun or a longarm licence for a category C or D longarm must store that cartridge ammunition, when the cartridge ammunition is not being carried or used—

- (a) in the manner provided for in item 2 of Schedule 4; or

- (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 120 penalty units or 2 years imprisonment.

S. 121(3)
amended by
No. 28/2003
s. 49(3).

- (3) A person who possesses a firearm under a handgun licence for a category E handgun or under a longarm licence for a category E longarm must store that firearm, when the firearm is not

being carried or used, in the manner provided for by the Chief Commissioner in the licence.

Penalty: 240 penalty units or 4 years imprisonment.

- (3A) A person who possesses cartridge ammunition under a handgun licence for a category E handgun or under a longarm licence for a category E longarm must store that cartridge ammunition, when the cartridge ammunition is not being carried or used in the manner provided for by the Chief Commissioner in the licence.

S. 121(3A)
inserted by
No. 22/1998
s. 28(3),
amended by
No. 28/2003
s. 49(4).

Penalty: 240 penalty units or 4 years imprisonment.

121A Permit to store handguns

S. 121A
inserted by
No. 28/2003
s. 50.

- (1) The Chief Commissioner may grant a permit to a person who is the holder of a general category handgun licence or a dealers licence to store, at the premises specified in the permit, the handguns that are—

(a) specified in the permit; and

(b) possessed by another holder of a general category handgun licence who is unable to comply with the condition of the licence set out in section 16(3) and (4) or the condition set out in section 16(5) and (6) because the holder—

S. 121A(1)(b)
amended by
No. 107/2003
s. 7(1).

(i) proposes to be absent from the State for a substantial period of time; or

(ii) is temporarily physically incapacitated.

- (2) The Chief Commissioner must not grant a permit under this section—

(a) if the applicant is a prohibited person; or

S. 121A(2)(c)
amended by
No. 107/2003
s. 7(2).

(b) unless the Chief Commissioner is satisfied that the applicant is a fit and proper person to hold such a permit; or

(c) unless the Chief Commissioner is satisfied that the licence holder under whose licence the handguns are possessed, carried or used is unable to comply with the condition of the licence set out in section 16(3) and (4) or the condition set out in section 16(5) and (6) because the holder—

(i) proposes to be absent from the State for a substantial period of time; or

(ii) is temporarily physically incapacitated.

S. 121A(2A)
inserted by
No. 55/2014
s. 101.

(2A) An applicant is presumed not to be a fit and proper person for the purposes of subsection (2)(b) if he or she is a declared organisation member.

S. 121A(2B)
inserted by
No. 55/2014
s. 101.

(2B) A presumption under subsection (2A) may be rebutted.

(3) A permit under this section remains in force for the period specified in the permit, but in no case, for more than 12 months.

(4) The Chief Commissioner may impose any conditions on the permit that the Chief Commissioner thinks fit.

(5) The holder of a permit under this section does not commit an offence under this Part or under section 7 when acting under and in accordance with the permit.

(6) The licence holder under whose licence the handguns are possessed, carried or used does not commit an offence under this Part or under section 7 or 36 when the handguns are stored under and in accordance with the permit.

- (7) An application for a permit must be in the form approved by the Chief Commissioner.
- (8) The applicant must pay the prescribed fee for such a permit.
- (9) The holder of the permit must comply with the permit.

Penalty: 60 penalty units.

122 Storage of firearms under firearms collectors and firearms heirlooms licences and ammunition under firearms ammunition collectors licence

- (1) A person (who is not a person to whom subsection (1A) applies) who possesses a firearm (that is not a category E handgun or a category E longarm) under a firearms collectors licence must store that firearm, when the firearm is not being carried—
 - (a) in the manner provided for in item 3 of Schedule 4; or
 - (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

S. 122(1)
amended by
Nos 22/1998
s. 29(1),
28/2003
s. 51(1).

Penalty: 120 penalty units or 2 years imprisonment.

(1A) If—

- (a) a person possesses not more than 15 category A or B longarms under a firearms collectors licence; and
- (b) that person does not possess any other firearms under that licence; and
- (c) the longarms are stored on a premises where no other firearms are stored—

S. 122(1A)
inserted by
No. 22/1998
s. 29(2).

the person must store each firearm held under that licence, when the firearm is not being carried—

- (d) in the manner provided for in item 3A of Schedule 4; or
- (e) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 120 penalty units or 2 years imprisonment.

S. 122(2)
amended by
No. 28/2003
s. 51(2).

- (2) A person who possesses a category E handgun or a category E longarm under a firearms collectors licence must store that firearm in the manner fixed in the licence.

Penalty: 240 penalty units or 4 years imprisonment.

- (3) A person who possesses a firearm under a firearms heirlooms licence must store that firearm, when the firearm is not being carried—
 - (a) in the manner provided for in item 4 of Schedule 4; or
 - (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 10 penalty units.

S. 122(4)
amended by
No. 22/1998
s. 43(Sch.
item 7).

- (4) A person who possesses cartridge ammunition under a firearms ammunition collectors licence must store that ammunition, when the ammunition is not being carried—
 - (a) in the manner provided for in item 5 of Schedule 4; or

- (b) in any other manner which the Chief Commissioner is satisfied is as secure as the manner provided for in that item.

Penalty: 10 penalty units.

123 Storage of firearms under dealers licences

- (1) A person who possesses a category A or B longarm under a dealers licence must store that firearm in the manner fixed in the licence.

Penalty: 60 penalty units or 12 months imprisonment.

- (1A) A person who possesses a paintball marker under a dealers licence must store that paintball marker in the manner fixed in the licence.

S. 123(1A)
inserted by
No. 2/2018
s. 24.

Penalty: 60 penalty units or 12 months imprisonment.

- (2) A person who possesses a category C or D longarm or a general category handgun under a dealers licence must store that firearm in the manner fixed in the licence.

S. 123(2)
amended by
No. 28/2003
s. 52(1).

Penalty: 120 penalty units or 2 years imprisonment.

- (3) A person who possesses a category E longarm or a category E handgun under a dealers licence must store that firearm in the manner fixed in the licence.

S. 123(3)
amended by
No. 28/2003
s. 52(2).

Penalty: 240 penalty units or 4 years imprisonment.

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

S. 123(4)
inserted by
No. 22/1998
s. 30.

Penalty: 120 penalty units or 2 years imprisonment.

Pt 6A
(Heading and
ss 123A–
123W)
inserted by
No. 28/2003
s. 53.

Part 6A—Approved clubs

Division 1—Approved handgun target shooting clubs

S. 123A
inserted by
No. 28/2003
s. 53.

123A Power of the Chief Commissioner to approve handgun target shooting clubs

- (1) For the purposes of this Act the Chief Commissioner may approve a person or body that conducts handgun target shooting matches, if that person or body is either—
 - (a) a person incorporated under the Corporations Act; or
 - (b) a body incorporated under the Associations Incorporation Reform Act 2012.
- (2) The Chief Commissioner must not approve a person or body under subsection (1) if any person who is a director or office holder of that person or body is a prohibited person.

S. 123A(1)(b)
amended by
No. 20/2012
s. 226(Sch. 5
item 13).

S. 123B
inserted by
No. 28/2003
s. 53.

123B Approved handgun target shooting clubs—Record keeping requirements

- (1) In relation to any approved handgun target shooting match conducted by an approved handgun target shooting club, the club must keep a record of—
 - (a) the time and place of the match; and
 - (b) details of any handgun used by each person participating in the match; and
 - (c) the name and handgun licence number of each person participating in the match.

(1A) In relation to any handgun target shoot conducted by an approved handgun target shooting club, the club must keep a record of—

S. 123B(1A)
inserted by
No. 78/2005
s. 46.

- (a) the time and place of the shoot; and
- (b) details of any handgun used by each person participating in the shoot; and
- (c) the name and handgun licence number of each person participating in the shoot.

(2) In relation to applications for membership of the club, the club must keep a record of—

- (a) a copy of each application that has been made; and
- (b) any information that had been given to the club with each such application.

(3) Records that are required to be kept under this section must be—

- (a) in writing; and
- (b) in the form approved by the Chief Commissioner; and
- (c) kept at the premises approved by the Chief Commissioner; and
- (d) available to be produced to or inspected by a police officer at any reasonable time; and

S. 123B(3)(d)
amended by
Nos 50/2007
s. 32(a),
37/2014
s. 10(Sch.
item 63.5).

- (e) kept in an accurate and legible manner; and

S. 123B(3)(e)
inserted by
No. 50/2007
s. 32(b).

S. 123B(3)(f)
inserted by
No. 50/2007
s. 32(b).

- (f) made as soon as reasonably practicable after—
 - (i) the approved handgun target shooting match or handgun target shoot to which the record relates takes places; or
 - (ii) the application to which the record relates is made.

S. 123C
(Heading)
substituted by
No. 78/2005
s. 47(1).
S. 123C
inserted by
No. 28/2003
s. 53.

123C Approved handgun target shooting clubs— reporting requirements

- (1) An approved handgun target shooting club must, within the 3 months after the end of each calendar year submit to the Chief Commissioner a report setting out—

S. 123C(1)(a)
amended by
No. 78/2005
s. 47(2)(a).

- (a) a list giving details of all the approved handgun target shooting matches conducted by the club during the year and of all the handgun target shoots conducted by the club during the year; and
 - (b) the names of all persons who were, at any time during the year, members of the club; and

S. 123C(1)(c)
amended by
No. 78/2005
s. 47(2)(d).

- (c) in respect of each such member of the club, if—
 - (i) the club is the only approved handgun target shooting club of which that person is a member; or
 - (ii) if the club has been nominated by the member as his or her principal club—
- details of—

S. 123C(1)
(c)(iii)
amended by
No. 78/2005
s. 47(2)(b).

- (iii) each approved handgun target shooting match and each handgun target shoot conducted by the club that that member competed in and details of each

handgun used by that member at each such match and shoot; and

- (iv) each approved handgun target shooting match and each handgun target shoot conducted by any other approved handgun target shooting club that that member competed in and details of each handgun used by that member at each such match and shoot; and

S. 123C(1)
(c)(iv)
amended by
Nos 78/2005
s. 47(2)(c),
52/2010
s. 22(1).

- (v) each handgun target shooting match and each handgun target shoot conducted in another State or a Territory or a place outside Australia that that member competed in and details of each handgun used by that member at each such match and shoot.

S. 123C(1)
(c)(v)
inserted by
No. 52/2010
s. 22(2),
amended by
No. 12/2012
s. 11.

Penalty: 20 penalty units.

- (2) A report under subsection (1) must be—

- (a) in writing; and
(b) in a form and manner approved by the Chief Commissioner.

S. 123C(2)(b)
substituted by
Nos 78/2005
s. 47(3),
44/2021 s. 23.

- (3) In this section *competed* has the same meaning as in section 16.

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

S. 123D
inserted by
No. 28/2003
s. 53.

- (1) An approved handgun target shooting club must take the prescribed measures to ensure that any holder of a general category handgun licence whose licence has been suspended or cancelled does not take part in any handgun target shooting match or handgun target shoot conducted by the club.

S. 123D(1)
amended by
No. 50/2007
s. 33(1).

S. 123D(1A)
inserted by
No. 78/2005
s. 48,
amended by
No. 50/2007
s. 33(1).

- (1A) An approved handgun target shooting club must take the prescribed measures to ensure that any holder of a provisional general category handgun licence whose provisional licence has been suspended or cancelled does not take part in any handgun target shooting match or handgun target shoot conducted by the club.
- (2) An approved handgun target shooting club must not admit a person as a member of the club if the person is a prohibited person.
- (3) An approved handgun target shooting club must not admit a person as a member unless a nominated officer of the club reasonably believes that that person has submitted to the club—
 - (a) any records about that person kept by or on behalf of the Chief Commissioner or any person holding a position equivalent to that of the Chief Commissioner in the Commonwealth or in any other State or Territory of the Commonwealth; and
 - (b) two character references from people who are of or over the age of 18 years, who are of good repute and who have known the person for a minimum of 2 years; and
 - (c) the names of any other approved handgun target shooting clubs of which that person is a member; and
 - (d) the names of any other approved handgun target shooting clubs which, at any time in the 5 years immediately preceding the application, the applicant—
 - (i) has applied to join; or
 - (ii) has had a membership of; or
 - (iii) has had a membership of cancelled or suspended; or

- (iv) has been refused membership of; and
- (e) on the form approved by the Chief Commissioner—
 - (i) details of all handguns owned or possessed by the applicant; and
 - (ii) details of any handguns (not in the possession of the applicant) for which the applicant—
 - (A) has applied for a permit to acquire; or
 - (B) has, or has previously been issued with, a permit to acquire; or
 - (C) for which a permit to acquire has previously been refused.
- (4) An approved handgun target shooting club must notify the Chief Commissioner—
 - (a) of the acceptance of each new member of the club within 28 days of having done so; and
 - (b) of the refusal of an application for membership within 7 days of having done so; and
 - (c) of the name of any person who has surrendered his or her membership or who has had his or her membership suspended or cancelled, within 7 days of that surrender, suspension or cancellation.
- (5) For the purposes of this Act, a person is taken not to be a member of an approved handgun target shooting club until the Chief Commissioner receives notification of that person's membership under subsection (3).

S. 123D(4)(b)
amended by
No. 50/2007
s. 33(2)(a).

S. 123D(4)(c)
inserted by
No. 50/2007
s. 33(2)(b).

S. 123E
inserted by
No. 28/2003
s. 53.

123E Approved handgun target shooting clubs—Reports to the Chief Commissioner as to unfit members

- (1) If the nominated officers of an approved handgun target shooting club believe—
 - (a) that a person who is a member of the club is not a fit and proper person to possess, carry or use a handgun; and
 - (b) that that person—
 - (i) has a general category handgun licence under this Act; or
 - (ii) intends to apply for such a licence; or
 - (iii) possesses or intends to possess a firearm—

the nominated officers must so advise the Chief Commissioner.

- (2) If an approved handgun target shooting club cancels or suspends the membership of a person, within 7 days of cancelling or suspending that membership, a nominated officer, on behalf of the club, must so notify the Chief Commissioner and must advise the Chief Commissioner of the reasons for cancelling or suspending that membership.

S. 123F
inserted by
No. 28/2003
s. 53.

123F Approved handgun target shooting clubs—Power to endorse applications for general category handgun licences

- (1) For the purposes of section 15(3) or section 18(5), a nominated officer of an approved handgun target shooting club, on behalf of the club, may endorse an application for a general category handgun licence by a member of the club if the nominated officer is satisfied that—

- (a) the member has successfully completed a course in handgun safety approved by the Chief Commissioner; and
 - (b) the member has a good knowledge of firearms and firearms laws; and
 - (c) the member has safely participated in at least 5 approved handgun target shooting matches; and
 - (d) the member can comply with the storage requirements of this Act.
- (2) An endorsement under this section must be made in the form and manner approved by the Chief Commissioner.

123G Approved handgun target shooting clubs—Power to endorse applications for permits to acquire

S. 123G
inserted by
No. 28/2003
s. 53.

- (1) For the purposes of section 104(1)(f) a nominated officer of an approved handgun target shooting club, on behalf of a club, may endorse an application for a permit to acquire a handgun by a member of the club if the nominated officer is satisfied that—
- (a) the member has successfully completed a course in handgun safety approved by the Chief Commissioner; and
 - (b) the member has a good knowledge of firearms and firearms laws; and
 - (c) the member can comply with the storage requirements of this Act; and
 - (d) the handgun is necessary to enable the applicant to participate in a particular class of approved handgun target shooting matches conducted by the club or another approved handgun target shooting club.

S. 123G(1)(d)
amended by
No. 78/2005
s. 49.

- (2) An endorsement under this section must be made in the form and manner approved by the Chief Commissioner.

Division 2—Approved firearms collectors clubs

S. 123H
inserted by
No. 28/2003
s. 53.

123H Power of the Chief Commissioner to approve firearms collectors clubs

- (1) For the purposes of this Act the Chief Commissioner may approve a person or body that has as its members persons who collect firearms, if that person or body is either—
- (a) a person incorporated under the Corporations Act; or
 - (b) a body incorporated under the **Associations Incorporation Reform Act 2012**.

S. 123H(1)(b)
amended by
No. 20/2012
s. 226(Sch. 5
item 13).

- (2) The Chief Commissioner must not approve a person or body under subsection (1) if any person who is a director or office holder of that person or body is a prohibited person.

S. 123I
inserted by
No. 28/2003
s. 53.

123I Approved firearms collectors clubs—Power to endorse applications for firearms collectors licences

- (1) For the purposes of section 21(2)(c) or section 21A(2)(c), a nominated officer of an approved firearms collectors club, on behalf of the club, may endorse an application for a category 1 or category 2 firearms collectors licence (as the case requires) by a member of the club if the nominated officer is satisfied that—
- (a) the member has a good knowledge of firearms and firearms laws; and
 - (b) the member can comply with the storage requirements of this Act.

- (2) An endorsement under this section must be made in the form and manner approved by the Chief Commissioner.

123J Approved firearms collectors clubs—Power to endorse applications for permits to acquire

S. 123J
inserted by
No. 28/2003
s. 53.

- (1) For the purposes of section 104(1)(g), a nominated officer of an approved firearms collectors club, on behalf of the club, may endorse an application by a member for a permit to acquire a handgun, if the nominated officer is satisfied that—
- (a) the handgun that the member is intending to acquire under the permit is a handgun the member is entitled to hold under a category 1 or category 2 firearms collectors licence held by the person; and
 - (b) the member understands handgun safety; and
 - (c) the member has storage arrangements for the handgun that comply with the requirements of this Act.
- (2) An endorsement under this section must be made in the form and manner approved by the Chief Commissioner.

123K Approved firearms collectors clubs—Reports to the Chief Commissioner as to unfit members

S. 123K
inserted by
No. 28/2003
s. 53.

- (1) If the nominated officers of an approved firearms collectors club believe—
- (a) that a person who is a member of the club is not a fit and proper person to possess, carry or use a firearm; and

(b) that that person—

- (i) has a category 1 or category 2 firearms collectors licence under this Act; or
- (ii) intends to apply for such a licence; or
- (iii) possesses or intends to possess a firearm—

the nominated officers must so advise the Chief Commissioner.

- (2) If an approved firearms collectors club cancels or suspends the membership of a person, within 7 days of cancelling or suspending that membership, a nominated officer, on behalf of the club, must so notify the Chief Commissioner and must advise the Chief Commissioner of the reasons for cancelling or suspending that membership.

123L Approved firearms collectors clubs—Requirements as to members and former members

(1) An approved firearms collectors club—

- (a) must not admit a person as a member of the club if the person is a prohibited person; and

(b) must not have a person as a collector member of the club unless a nominated officer of the club reasonably believes that that person has submitted to the club—

- (i) any records about that person kept by or on behalf of the Chief Commissioner or any person holding a position equivalent to that of the Chief Commissioner in the Commonwealth or in any other State or Territory of the Commonwealth; and

S. 123L
(Heading)
amended by
No. 50/2007
s. 34(1).

S. 123L
inserted by
No. 28/2003
s. 53,
amended by
No. 78/2005
s. 50(2) (ILA
s. 39B(1)).

S. 123L(b)
amended by
No. 78/2005
s. 50(1)(a).

(ii) two character references from people who are of or over the age of 18 years, who are of good repute and who have known the person for a minimum of 2 years; and

(iii) the names of any other approved firearms collectors clubs of which that person is a member; and

(iv) the names of any other approved firearms collectors clubs which, at any time in the 5 years immediately preceding the person becoming a collector member of the club, the person—

S. 123L(b)(iv)
amended by
No. 78/2005
s. 50(1)(b).

(A) has had a membership of; or

(B) has had a membership of
cancelled or suspended; or

(C) has been refused membership of.

(1A) An approved firearms collectors club must notify the Chief Commissioner of the name of any person who has surrendered his or her membership or who has had his or her membership suspended or cancelled, within 7 days of that surrender, suspension or cancellation.

S. 123L(1A)
inserted by
No. 50/2007
s. 34(2).

(2) In this section, ***collector member of the club*** means a member of the club who collects firearms.

S. 123L(2)
inserted by
No. 78/2005
s. 50(2).

Division 3—General provisions applying to approvals under this Part

S. 123M
inserted by
No. 28/2003
s. 53.

123M Application for an approval under this Part

- (1) An application for an approval under this Part must be in a form and manner approved by the Chief Commissioner.
- (2) An applicant must pay the fee prescribed for the application.

S. 123N
inserted by
No. 28/2003
s. 53.

123N Requirement to nominate officers

S. 123N(1)
amended by
No. 78/2005
s. 51.

- (1) In an application for an approval under Division 1 or 2 of this Part, the applicant must nominate one or more persons, who are officers of the applicant, to be nominated officers for the purposes of this Act.
- (2) If, at any time during the course of an approval under this Part, there ceases to be an officer of the club who is a nominated officer, the club must nominate an officer to be a nominated officer and must immediately notify the Chief Commissioner of that nomination.
- (3) At any time during the course of an approval under this Part, the club may nominate another person to replace a nominated officer and must immediately notify the Chief Commissioner of that nomination.
- (4) A person who is a prohibited person is not entitled to be a nominated officer under this section. If, at any time during the course of an approval under this Part, a nominated officer becomes a prohibited person, that person ceases to be a nominated officer.
- (5) A notice under this section must be in writing.

123O Review of decision to refuse an approval under this Part

S. 123O
inserted by
No. 28/2003
s. 53.

An applicant for an approval under this Part may, if the nominated officers of the applicant are non-prohibited persons, apply to the Committee for a review of a decision of the Chief Commissioner not to grant the approval or for a review of a failure of the Chief Commissioner to make a decision on the application within a reasonable time.

123P Conditions for an approval under this Part

S. 123P
inserted by
No. 28/2003
s. 53.

- (1) An approval under this Part is subject to any conditions imposed on the approval by the Chief Commissioner.
- (2) The Chief Commissioner may, at any time, vary any condition imposed on an approval.
- (3) The variation of a condition under this section has effect on the giving of notice in writing of that variation to the holder of the approval.

123Q Review of decision to vary the conditions of an approval under this Part

S. 123Q
inserted by
No. 28/2003
s. 53.

The holder of an approval under this Part may, if the officers of the holder are non-prohibited persons, apply to the Committee for a review of any decision of the Chief Commissioner to vary any conditions on the approval.

123R Duration of an approval under this Part

S. 123R
inserted by
No. 28/2003
s. 53.

An approval under this Part continues in force for the period, not exceeding 5 years from the issue or renewal of the approval, that is specified in the approval.

S. 123S
inserted by
No. 28/2003
s. 53.

123S Renewal of an approval under this Part

- (1) Before the expiration of an approval under this Part, the holder may apply to the Chief Commissioner for renewal of the approval.
- (2) A person or body who is making an application for the renewal of an approval under this Part must make that application to the Chief Commissioner.
- (3) An application must be in the form and manner approved by the Chief Commissioner.
- (4) The applicant must pay the fee prescribed for the application.

S. 123T
inserted by
No. 28/2003
s. 53.

123T Power of the Chief Commissioner to renew an approval under this Part

- (1) The Chief Commissioner may renew or refuse to renew an approval under this Part and, if the approval is to be renewed, the Chief Commissioner may alter or vary the conditions on the approval or impose further conditions on the approval.
- (2) The Chief Commissioner must not renew an approval under this Part if any person who is a director or officer of the club is a prohibited person.

S. 123U
inserted by
No. 28/2003
s. 53.

123U Review of a decision not to renew an approval under this Part

An applicant for the renewal of an approval under this Part may, if the officers of the applicant are non-prohibited persons, apply to the Committee for a review of a decision of the Chief Commissioner not to renew the approval or for a review of a failure of the Chief Commissioner to make a decision on the application within a reasonable time.

123V Power of Chief Commissioner to cancel an approval under this Part

S. 123V
inserted by
No. 28/2003
s. 53.

- (1) The Chief Commissioner may cancel an approval under this Part, if after considering any submissions made within the time fixed for making submissions, the Chief Commissioner is satisfied that—
 - (a) the club has failed to comply with any provision of this Act; or
 - (b) the club has failed to comply with any condition imposed on the approval of the club by the Chief Commissioner.
- (2) If the Chief Commissioner proposes under subsection (1) to cancel an approval, before doing so the Chief Commissioner must so notify the club in writing.
- (3) A club that has received a notice under subsection (2) may, within 28 days of receiving that notice, make written submissions to the Chief Commissioner on the proposal to cancel the approval.

123W Review of decision to cancel an approval under this Part

S. 123W
inserted by
No. 28/2003
s. 53.

The holder of an approval under this Part whose approval has been cancelled under section 123V may, if the officers of the holder are non-prohibited persons, apply to the Committee for a review of that decision.

Part 7—Further offences and legal proceedings

S. 124AA
inserted by
No. 28/2003
s. 54.

124AA Conspiring to commit and aiding the commission of an offence outside Victoria

- (1) A person who, in Victoria—
- (a) conspires with another person or persons to commit an offence (in this section called the principal offence) in a place outside Victoria, being an offence punishable under the provisions of a law in force in that place that corresponds to a provision of this Act; or
 - (b) aids, abets, counsels, procures, solicits or incites the commission of an offence (in this section called the principal offence) in any place outside Victoria, being an offence punishable under the provisions of a law in force in that place that corresponds to a provision of this Act—
- is guilty of an offence.
- (2) A person who is guilty of an offence under subsection (1)—
- (a) is liable to the same penalty as that which the person would be subject to; and
 - (b) may be dealt with in the same manner as that in which the person would be dealt with—
- if the principal offence had been committed in Victoria.

124 Possession of cartridge ammunition

- (1) A person must not possess cartridge ammunition unless that person—

S. 124(1)
amended by
No. 22/1998
s. 43(Sch.
item 8(a)).

- (a) is the holder of a licence under this Act or a permit under section 58A; or

S. 124(1)(a)
amended by
No. 28/2003
s. 55.

- (b) is the holder of a licence to keep explosives for sale and to sell explosives issued under the **Dangerous Goods Act 1985**; or

- (c) is not required to have a licence under this Act in order to possess a firearm.

Penalty: 40 penalty units.

- (2) The holder of a licence under this Act (other than a firearms ammunition collectors licence), must not possess cartridge ammunition which is not suitable for use in the category of firearms that that person is authorised to possess, carry or use under the licence.

S. 124(2)
amended by
No. 22/1998
s. 43(Sch.
item 8(b)).

Penalty: 10 penalty units.

- (3) A person who is not required to have a licence under this Act in order to possess, carry or use a firearm must not possess cartridge ammunition which is not suitable for use in the category of firearms that that person may possess, carry or use without having to obtain a licence.

S. 124(3)
amended by
No. 22/1998
s. 43(Sch.
item 8(c)).

Penalty: 10 penalty units.

125 Disposal of cartridge ammunition to unauthorised persons

A person must not dispose of cartridge ammunition to another person unless the person to whom the cartridge ammunition is disposed of—

S. 125
amended by
No. 22/1998
s. 43(Sch.
item 9).

S. 125(a)
amended by
No. 22/1998
s. 43(Sch.
item 9).

- (a) produces a licence under this Act to possess, carry or use a firearm, and the cartridge ammunition is suitable for use in a firearm that that person is authorised to possess, carry or use under that licence; or

S. 125(b)
amended by
No. 22/1998
s. 43(Sch.
item 9).

- (b) produces a licence to keep explosives for sale and to sell explosives under the **Dangerous Goods Act 1985** and the cartridge ammunition is cartridge ammunition that that person is authorised to keep for sale and sell under that licence; or

S. 125(c)
amended by
No. 22/1998
s. 43(Sch.
item 9).

- (c) produces evidence that he or she is not required to have a licence under this Act in order to possess, carry or use a firearm of the type the cartridge ammunition is suitable for.

Penalty: 60 penalty units or 12 months imprisonment.

126 Safekeeping of firearms and cartridge ammunition while being carried or used

- (1) A person who is carrying or using a category A or B longarm must—
 - (a) ensure that the firearm is carried and used in a manner that is secure and is not dangerous; and
 - (b) must take reasonable precautions to ensure that the firearm is not lost or stolen.

Penalty: 60 penalty units or 12 months imprisonment.

S. 126(2)
amended by
No. 28/2003
s. 56(1).

- (2) A person who is carrying or using a category C or D longarm or a general category handgun must—
 - (a) ensure that the firearm is carried and used in a manner that is secure and is not dangerous; and

- (b) must take reasonable precautions to ensure that the firearm is not lost or stolen.

Penalty: 120 penalty units or 2 years imprisonment.

- (3) A person who is carrying or using a category E longarm or a category E handgun must—
 - (a) ensure that the firearm is carried and used in a manner that is secure and is not dangerous; and
 - (b) must take reasonable precautions to ensure that the firearm is not lost or stolen.

S. 126(3)
amended by
No. 28/2003
s. 56(2).

Penalty: 240 penalty units or 4 years imprisonment.

- (4) A person who is carrying or using cartridge ammunition must—
 - (a) ensure that the cartridge ammunition is carried and used in a manner that is secure and is not dangerous; and
 - (b) must take reasonable precautions to ensure that the cartridge ammunition is not lost or stolen.

S. 126(4)
amended by
No. 22/1998
s. 43(Sch.
item 10).

S. 126(4)(a)
amended by
No. 22/1998
s. 43(Sch.
item 10).

S. 126(4)(b)
amended by
No. 22/1998
s. 43(Sch.
item 10).

Penalty: 60 penalty units or 12 months imprisonment.

127 Use of firearm by person other than the possessor

- (1) A person who possesses a category A or B longarm must not permit that firearm to be carried or used by any person who is not—
 - (a) so authorised by a licence under Part 2; or

(b) exempted by this Act from the requirement to be so authorised.

Penalty: 60 penalty units or 12 months imprisonment.

S. 127(1A)
inserted by
No. 78/2005
s. 52.

(1A) A person who possesses a paintball marker must not permit that firearm to be carried or used by any person who is not—

(a) so authorised by a licence under Part 2; or

(b) exempted by this Act from the requirement to be so authorised.

Penalty: 60 penalty units or 12 months imprisonment.

S. 127(2)
amended by
No. 28/2003
s. 57(1).

(2) A person who possesses a category C or D longarm must not permit that firearm to be carried or used by any person who is not—

(a) so authorised by a licence under Part 2; or

(b) exempted by this Act from the requirement to be so authorised.

Penalty: 120 penalty units or 2 years imprisonment.

S. 127(2A)
inserted by
No. 28/2003
s. 57(2).

(2A) The possessor of a handgun must not permit a person to have access to or to carry or use that handgun if that person is not—

(a) so authorised by a licence under Part 2 or a permit under Division 10 of that Part; or

(b) exempted by this Act from the requirement to be so authorised.

Penalty: 1200 penalty units or 10 years imprisonment.

(3) A person who possesses a category E longarm must not permit that firearm to be carried or used by any person who is not—

- (a) so authorised by a licence under Part 2; or
- (b) exempted by this Act from the requirement to be so authorised.

Penalty: 240 penalty units or 4 years imprisonment.

127A Offence to use firearms held under a firearms collectors licence

S. 127A
inserted by
No. 28/2003
s. 58.

- (1) A person must not use a firearm held under a firearms collectors licence unless that person is the holder of a permit issued under section 58.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) If a police officer reasonably believes that a firearm held under a collectors licence has been discharged, while that firearm was being held under the collectors licence, that police officer may, in accordance with a warrant issued under the **Magistrates' Court Act 1989**, take possession of that firearm and may cause tests to be carried out on the firearm to determine whether or not it has been fired.

S. 127A(2)
amended by
No. 37/2014
s. 10(Sch.
item 63.5).

128 Offence to damage property with a firearm

A person must not injure or damage property with a firearm.

Penalty: 120 penalty units or 2 years imprisonment.

129 Offence to use a firearm in a dangerous manner

A person must not use a firearm in a dangerous manner.

Penalty: 120 penalty units or 2 years imprisonment.

S. 129A
inserted by
No. 22/1998
s. 31.

129A Offence for unlicensed person to store in an insecure manner

A person who possesses a firearm and who does not have a licence under this Act authorising the possession of that firearm must not store that firearm or any cartridge ammunition in his or her possession in an insecure manner.

Penalty: 240 penalty units or 4 years imprisonment.

S. 130
(Heading)
inserted by
No. 2/2018
s. 25(1).

130 Offences as to possession, carriage and use of firearms in certain places

S. 130(1)
substituted by
No. 2/2018
s. 25(2).

(1) A person must not possess a loaded firearm—

- (a) in a public place; or
- (b) in any other place with reckless disregard for the safety of any person.

Penalty: 10 years imprisonment.

S. 130(1A)
inserted by
No. 2/2018
s. 25(2).

(1A) A person must not carry a loaded firearm—

- (a) in a public place; or
- (b) in any other place with reckless disregard for the safety of any person.

Penalty: 10 years imprisonment.

S. 130(1B)
inserted by
No. 2/2018
s. 25(2).

(1B) A person must not use a firearm—

- (a) in a public place; or
- (b) in any other place with reckless disregard for the safety of any person.

Penalty: 10 years imprisonment.

- (2) To avoid doubt, the interior and exterior of any vehicle, vessel or aircraft that is in a public place is a public place.

S. 130(2)
amended by
Nos 26/1997
s. 26, 55/2009
s. 19, 82/2012
s. 97, 37/2014
s. 10(Sch.
item 63.6),
substituted by
No. 2/2018
s. 25(3).

- (2A) A person does not commit an offence under subsection (1), (1A) or (1B) if the person is—

S. 130(2A)
inserted by
No. 2/2018
s. 25(3).

- (a) a police officer or a protective services officer who is acting in the course of the police officer's or protective services officer's official duties and when so authorised by the Chief Commissioner; or
- (b) a senior IBAC Officer when carrying out the purposes for which firearms may be possessed, carried or used, and as authorised under Part 5 of the **Independent Broad-based Anti-corruption Commission Act 2011**; or
- (c) a member of a police force or a police service of the Commonwealth or of another State or a Territory who is possessing, carrying or using a firearm issued to the member for the performance of a detailed duty; or
- (d) a person who holds a licence under this Act, that is issued for the reason of prison guard and who is carrying or using a firearm which the person is authorised to carry or use under the licence, and who is acting in the course of the person's duties as a prison guard and who is in the immediate pursuit of another person under the person who is the guard's custody; or

- (e) a person who holds a licence under this Act, and who is possessing, carrying or using a firearm which the person is authorised to possess, carry or use under the licence and who is acting in the course of the person's duties under any relevant law within the meaning of the **Conservation, Forests and Lands Act 1987** or under the **Livestock Disease Control Act 1994** or the **Prevention of Cruelty to Animals Act 1986**; or
- (f) a person who holds a licence under this Act, and who is possessing, carrying or using a firearm which the person is authorised to possess, carry or use in accordance with the licence and who is acting under a game licence under the **Wildlife Act 1975**; or
- (g) a person who holds a licence under this Act, and who is possessing, carrying or using a firearm in accordance with the licence and with any other requirements of any other law, licence, permit or other authority that applies to the possession, carriage or use.

S. 130(3)
inserted by
No. 22/1998
s. 32,
amended by
No. 2/2018
s. 25(4)(5).

- (3) Subsection (1)(a), (1A)(a) or (1B)(a) does not apply to a person who possesses, carries or uses a firearm with the written permission of the Chief Commissioner.

S. 130(4)
inserted by
No. 22/1998
s. 32.

- (4) The Chief Commissioner must not give permission under subsection (3) unless the Chief Commissioner is satisfied that—

- (a) the carriage or use of the firearm is consistent with the reason for which the licence was issued; or
 - (b) there is a significant public benefit to be obtained from the carriage or use of the firearm; or
 - (c) the carriage or use of the firearm is for the purposes of public safety.
- (5) The Chief Commissioner may impose conditions on a permit under subsection (3). S. 130(5)
inserted by
No. 22/1998
s. 32.
- (6) A permit under subsection (3) continues in force for the period specified in the permit. S. 130(6)
inserted by
No. 22/1998
s. 32.
- (7) In this section—
loaded, in relation to a firearm, includes the following—
S. 130(7)
inserted by
No. 2/2018
s. 25(6).
- (a) a firearm that has cartridge ammunition in its chamber or barrel;
 - (b) a firearm that is fitted with a magazine or other device that is loaded with cartridge ammunition, if the cartridge ammunition can be fitted to the chamber or barrel of the firearm by the operation of another part of the firearm.

131 Offence to possess, carry or use a firearm on private property without consent

- (1) A person must not—
- (a) possess, carry or use a firearm on private property; or

(b) discharge a shot, bullet or other missile from a firearm onto or across private property—

without the consent of the owner or occupier of the property.

Penalty: 60 penalty units or 12 months imprisonment.

(2) In any proceedings for an offence under subsection (1)(a), it is a defence for a person to satisfy the court that he or she was approaching the residence of the owner or occupier of the property along a defined path for the purposes of applying for such consent.

(3) Subsection (1) does not apply to—

S. 131(3)
inserted by
No. 26/1997
s. 27.

S. 131(3)(a)
amended by
No. 37/2014
s. 10(Sch.
item 63.7(a)).

(a) any police officer or a protective services officer when acting in the course of his or her official duties and when so authorised by the Chief Commissioner; or

S. 131(3)(ab)
inserted by
No. 55/2009
s. 20,
substituted by
No. 82/2012
s. 98.

(ab) any senior IBAC Officer when carrying out the purposes for which firearms may be possessed, carried and used, and as authorised under Part 5 of the **Independent Broad-based Anti-corruption Commission Act 2011**; or

S. 131(3)(b)
amended by
No. 37/2014
s. 10(Sch.
item 63.7(b)).

(b) any member of a police force or police service of the Commonwealth or of another State or a Territory when carrying or using a firearm issued to him or her for the performance of a detailed duty; or

(c) any person who holds a licence under this Act, issued for the reason of prison guard when carrying or using a firearm which the guard is authorised to carry or use under the licence, when acting in the course of his or her duties as a prison guard and when in the

immediate pursuit of a person under his or her custody; or

- (d) any person who holds a licence under this Act, when carrying or using a firearm which the person is authorised to carry or use under the licence and who is acting in the course of his or her duties under any relevant law within the meaning of the **Conservation, Forests and Lands Act 1987** or under the **Livestock Disease Control Act 1994** or the **Prevention of Cruelty to Animals Act 1986**.

- (4) Despite subsection (1), a person—

- (a) who is possessing or carrying a firearm under a licence under this Act; and
- (b) who is crossing Crown land over which there is a licence, for the purpose of hunting in accordance with the **Wildlife Act 1975** on land that can only be accessed by passage over the Crown land—

S. 131(4)
inserted by
No. 50/2007
s. 35.

is not required to obtain the consent of the holder of the licence over the Crown land.

131A Offence to discharge firearm at a premises or vehicle

S. 131A
inserted by
No. 2/2018
s. 26.

- (1) A person must not, with reckless disregard for the safety of any person, use a firearm to discharge a shot, bullet or other missile at a vehicle, vessel, aircraft, or premises.

Penalty: 15 years imprisonment.

- (2) A person who, with reckless disregard for the safety of another, uses a firearm to discharge a shot, bullet or other missile at a vehicle, vessel, aircraft, or premises, while carrying out a serious indictable offence, is guilty of an offence and

liable to a term of imprisonment not exceeding 20 years.

- (3) A person does not commit an offence under subsection (1) or (2) if the person is—
- (a) a police officer or a protective services officer who is acting in the course of the police officer's or protective services officer's official duties and when so authorised by the Chief Commissioner; or
 - (b) a senior IBAC Officer who is carrying out the purposes for which firearms may be used, and as authorised under Part 5 of the **Independent Broad-based Anti-corruption Commission Act 2011**; or
 - (c) a member of a police force or police service of the Commonwealth or of another State or a Territory who is using a firearm issued to the member for the performance of a detailed duty; or
 - (d) a person who holds a licence under this Act, that is issued for the reason of prison guard who is using a firearm which the person is authorised to use under the licence, and who is acting in the course of the person's duties as a prison guard and who is in the immediate pursuit of another person who is under the person who is the guard's custody; or
 - (e) a person who holds a licence under this Act, who is using a firearm which the person is authorised to use under the licence and who is acting in the course of the person's duties under any relevant law within the meaning of the **Conservation, Forests and Lands Act 1987** or under the **Livestock Disease**

**Control Act 1994 or the Prevention of
Cruelty to Animals Act 1986.**

(4) In this section—

serious indictable offence has the same meaning
as in section 325 of the **Crimes Act 1958**.

132 Offences about the carriage and the use of firearms

(1) A person must not carry or use a firearm if that
person is under the influence of intoxicating liquor
or a drug.

Penalty: 120 penalty units or 2 years
imprisonment.

(2) A person must not, for the purpose of committing
an indictable offence, carry a firearm which is
concealed from view.

Penalty: 240 penalty units or 4 years
imprisonment.

133 Disposal of a firearm to person who is intoxicated

A person must not dispose of a firearm to a person
whom the person disposing of the firearm
reasonably believes to be under the influence of
intoxicating liquor or a drug.

Penalty: 120 penalty units or 2 years
imprisonment.

**134 Certain offences as to firearms, firearm parts,
silencers and prescribed items**

(1) A person must not shorten the barrel of a longarm
so as to reduce the length of the firearm to less
than 75 centimetres measured parallel with the
barrel or the length of the barrel to less than
50 centimetres.

Penalty: 240 penalty units or 4 years
imprisonment.

S. 134
(Heading)
inserted by
No. 50/2007
s. 36(1).

- (2) A person must not alter a firearm which has been rendered permanently inoperable so that the firearm can discharge any shot, bullet or missile.

Penalty: 240 penalty units or 4 years imprisonment.

S. 134(3)
amended by
No. 28/2003
s. 59.

- (3) A person must not deface or alter any number or letter or other identifying symbol or mark on a firearm.

Penalty: 600 penalty units or 7 years imprisonment.

S. 134(4)
inserted by
No. 50/2007
s. 36(2).

- (4) A person must not destroy, or render inoperable, a firearm, firearm part, silencer or prescribed item unless that person does so in a manner approved by the Chief Commissioner.

Penalty: 240 penalty units or 4 years imprisonment.

S. 134A
inserted by
No. 28/2003
s. 60,
amended by
No. 50/2007
s. 37 (ILA
s. 39B(1)).

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

- (1) A person must not alter a firearm so that it becomes a different category of firearm unless, before doing so, the person obtains the consent of the Chief Commissioner to do so.

Penalty: 60 penalty units.

S. 134A(2)
inserted by
No. 50/2007
s. 37.

- (2) A person must not increase the magazine capacity of a firearm if the increase in the magazine capacity would cause the firearm to become a different category of firearm unless, before doing so, the person obtains the consent of the Chief Commissioner.

Penalty: 60 penalty units.

134AB Offence to possess or carry certain parts without the consent of the Chief Commissioner

S. 134AB
inserted by
No. 50/2007
s. 38.

A person must not possess or carry a part of a firearm that is capable of being used to alter the category of a firearm in the person's possession, carriage or use so that the firearm becomes a different category of firearm to that which the person is authorised to possess, carry or use under his or her licence—

- (a) without lawful excuse; or
- (b) unless before doing so, the person obtains the consent of the Chief Commissioner.

Penalty: 30 penalty units.

134B Requirement to notify Chief Commissioner of certain alterations to firearms

S. 134B
inserted by
No. 28/2003
s. 60.

A person who alters the calibre of a firearm in a manner not provided for in the original manufacture of the firearm must notify the Chief Commissioner of the alteration within 7 days of doing so.

Penalty: 30 penalty units.

134C Offence to possess a firearm with no serial number

S. 134C
inserted by
No. 28/2003
s. 60,
substituted by
No. 52/2010
s. 23.

- (1) A person must not, without reasonable excuse, possess a firearm on which there is no serial number.

Penalty: 240 penalty units or 4 years imprisonment.

- (2) In any proceeding against a person for an offence under this section, it is not necessary for the prosecution to prove that the person knew, was aware, believed or suspected that there was no serial number on the firearm.

- (3) In any proceeding for an offence under this section, it is a defence if the person charged had reasonable grounds for believing that there was a serial number on the firearm.
- (4) To avoid doubt, a firearm in which the serial number has been erased or removed is a firearm on which there is no serial number.

135 Offence to own a firearm without a licence to possess

- (1) A person must not own a category A or B longarm unless that person is authorised by a licence under this Act to possess the firearm.

Penalty: 60 penalty units or 12 months imprisonment.

S. 135(2)
amended by
No. 28/2003
s. 61(1).

- (2) A person must not own a category C or D longarm or a general category handgun unless that person is authorised by a licence under this Act to possess the firearm.

Penalty: 120 penalty units or 2 years imprisonment.

S. 135(3)
amended by
No. 28/2003
s. 61(2).

- (3) A person must not own a category E longarm or a category E handgun unless that person is authorised by a licence under this Act to possess the firearm.

Penalty: 240 penalty units or 4 years imprisonment.

S. 135(4)
inserted by
No. 78/2005
s. 53.

- (4) A person must not own a paintball marker unless that person is authorised by a licence under this Act to possess the paintball marker.

Penalty: 60 penalty units or 12 months imprisonment.

136 Disposal of firearms to minors

A person must not dispose of a firearm to a person who is under 18 years of age.

Penalty: 240 penalty units or 4 years imprisonment.

137 Alteration of documents

- (1) A person must not alter the particulars on a licence, permit, certificate or other document issued under this Act.

Penalty: 240 penalty units or 4 years imprisonment.

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

S. 137
amended by
No. 22/1998
s. 33 (ILA
s. 39B(1)).

S. 137(2)
inserted by
No. 22/1998
s. 33.

138 False entries

A person must not make or cause to be made a false or misleading entry in a register or other record required to be kept under this Act.

Penalty: 240 penalty units or 4 years imprisonment.

139 Notification of change of certain details

The holder of a licence or permit under this Act must notify the Chief Commissioner in writing of any change to the following details—

S. 139
amended by
No. 26/1997
s. 28,
substituted by
No. 50/2007
s. 39.

- * * * * *
- (b) the holder's permanent place of residence;
and
- (c) the holder's postal address; and

S. 139(a)
repealed by
No. 3/2019
s. 43.

S. 139(ca)
inserted by
No. 52/2010
s. 24.

(ca) the holder's ordinary place of residence; and

(d) the address where any firearm held under the licence is ordinarily stored; and

(e) if the holder is a licensed firearms dealer, the address where he or she carries on the business to which the licence relates—

within 14 days after the change occurs.

Penalty: 30 penalty units.

140 Requirement to notify Chief Commissioner of loss etc.

The holder of a licence must notify the Chief Commissioner of any loss, theft or destruction of a firearm in the holder's possession within 24 hours after becoming aware of that loss, theft or destruction.

Penalty: 30 penalty units.

S. 140A
(Heading)
inserted by
No. 28/2003
s. 62(1).
S. 140A
inserted by
No. 22/1998
s. 34,
amended by
No. 28/2003
s. 62(2)(3) (ILA
s. 39B(1)).

140A Making false or misleading statements or using false or misleading information

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

Penalty: 240 penalty units or 4 years imprisonment.

S. 140A(2)
inserted by
No. 28/2003
s. 62(3).

(2) A person must not, when required to identify himself or herself for the purposes of this Act, make a false or misleading statement or use false or misleading information.

Penalty: 240 penalty units or 4 years imprisonment.

- (3) A person must not knowingly or recklessly make a statement in support of the application of another person under this Act which is false or misleading in any material particular.

S. 140A(3)
inserted by
No. 50/2007
s. 40.

Penalty: 240 penalty units or 4 years imprisonment.

141 Statements of the Chief Commissioner as evidence

S. 141
amended by
Nos 22/1998
s. 35, 37/2014
s. 10(Sch.
item 63.8).

In any proceedings under this Act, a statement in writing purporting to be signed by the Chief Commissioner or Victoria Police employee in the administration of this Act to the effect that—

- (a) a specified person was or was not the holder of a licence or permit under this Act; or
- (b) a licence or permit under this Act is subject to the conditions specified in the certificate; or
- (c) a premises is the premises specified in the licence; or
- (d) the information specified in the certificate is recorded on the Register; or
- (e) the firearm specified in the certificate is or is not registered; or
- (f) a firearm is of a particular type or category—

is evidence, and in the absence of evidence to the contrary, is proof of the facts stated in it.

142 Liability of officers of body corporate or nominated persons for offences committed by the body corporate

If a body corporate is guilty of an offence against this Act or any regulation made under this Act, any officer of the body corporate or nominated person who was in any way, by act or omission, directly or indirectly, knowingly concerned in or a party to the commission of the offence is also

guilty of that offence and liable to the penalty for that offence.

143 How to determine state of mind of a body corporate

If, in any proceeding for an offence against this Act, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show that—

- (a) the conduct was engaged in by an officer, employee or agent of the body corporate within the scope of his or her actual or apparent authority; and
- (b) the officer, employee or agent had that state of mind.

144 Liability of body corporate or licence holder for acts of directors, employees or agents

If an officer, employee or agent of a body corporate or an employee or agent of a licence holder engages in conduct on behalf of the body corporate or licence holder within the scope of his or her actual or apparent authority, the body corporate or licence holder must be taken, for the purposes of prosecution for an offence against this Act, also to have engaged in the conduct unless the body corporate or licence holder establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

S. 145
substituted by
No. 44/2015
s. 7.

145 Firearms found on premises or vehicle

- (1) A firearm is taken to be in the possession of a person if the firearm is found—
 - (a) on land or premises occupied by, in the care of or under the control or management of the person; or
 - (b) in a vehicle of which the person is in charge.

- (2) Subsection (1) does not apply if, at the time the firearm was found—
- (a) the firearm was in the possession of another person who was lawfully authorised under this Act to possess the firearm; or
 - (b) the person believed on reasonable grounds that the firearm was in the possession of another person who was lawfully authorised under this Act to possess the firearm; or
 - (c) the person did not know, and could not reasonably be expected to know, that the firearm was on the premises or in the vehicle.

Part 8—Further enforcement powers

146 Warrants to search premises

S. 146(1)
amended by
Nos 25/2009
s. 9(1),
37/2014
s. 10(Sch.
item 63.9(a)).

- (1) A police officer may apply to a magistrate for the issue of a search warrant in relation to particular premises (including any vehicle on or in those premises) or a particular vehicle located in a public place, if the police officer believes on reasonable grounds that an offence against this Act is being or is about to be committed.

S. 146(2)
amended by
Nos 37/2014
s. 10(Sch.
item 63.9(b)),
6/2018
s. 68(Sch. 2
item 53).

- (2) If the magistrate is satisfied by the evidence on oath or by affirmation, whether oral or by affidavit, that there are reasonable grounds for suspecting that an offence against this Act is being or is about to be committed, the magistrate may issue a search warrant authorising the police officer named in the warrant and any assistants the police officer considers necessary—

S. 146(2)(a)
amended by
No. 25/2009
s. 9(2).

- (a) to enter the premises named or described in the warrant or the vehicle named or described in the warrant that is located in a public place; and
 - (b) to search for and seize any evidence of the offence named or described in the warrant.

- (3) In addition to any other requirement, a search warrant issued under this section must state—

S. 146(3)(b)
amended by
No. 25/2009
s. 9(3).

- (a) the offence suspected; and
 - (b) the premises or vehicle located in a public place to be searched; and
 - (c) a description of the evidence to be searched for; and
 - (d) any conditions to which the warrant is subject; and

- (e) whether entry is authorised to be at any time or during stated hours; and
 - (f) a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect.
- (4) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and in the prescribed form under that Act.
- (5) The rules to be observed with respect to search warrants set out by or under the **Magistrates' Court Act 1989** extend and apply to warrants under this section.
- (6) Nothing in this section or section 147 or 148 limits the power of a police officer under section 149.

S. 146(6)
inserted by
No. 25/2009
s. 9(4),
amended by
No. 37/2014
s. 10(Sch.
item 63.9(c)).

147 Announcement before entry

- (1) Before executing a search warrant, the police officer named in the warrant or person assisting must—
- (a) announce that he or she is authorised by warrant to enter the premises or the vehicle located in a public place, as the case requires; and
 - (b) give any person at the premises or on or in the vehicle an opportunity to allow entry to the premises or the vehicle.
- (2) The police officer or a person assisting the police officer need not comply with subsection (1) if he or she believes, on reasonable grounds, that immediate entry to the premises or the vehicle is required to ensure—

S. 147(1)
substituted by
No. 25/2009
s. 10(1),
amended by
No. 37/2014
s. 10(Sch.
item 63.10(a)).

S. 147(2)
amended by
Nos 25/2009
s. 10(2),
37/2014
s. 10(Sch.
item 63.10(b)).

- (a) the safety of any person; or
- (b) that the effective execution of the search warrant is not frustrated.

148 Copy of warrant to be given to occupier or person in charge of vehicle

S. 148
(Heading)
inserted by
No. 25/2009
s. 11(1).
S. 148
amended by
No. 25/2009
s. 11(2) (ILA
s. 39B(1)).

S. 148(1)
amended by
No. 37/2014
s. 10(Sch.
item
63.11(a)(i)).

- (1) If the occupier or another person who apparently represents the occupier is present at the premises when a search warrant is being executed, the police officer must—

S. 148(1)(a)
amended by
No. 37/2014
s. 10(Sch.
item
63.11(a)(ii)).

- (a) identify himself or herself to the person as a police officer; and

- (b) give that person a copy of the execution copy of the warrant.

S. 148(2)
inserted by
No. 25/2009
s. 11(2),
amended by
No. 37/2014
s. 10(Sch.
item
63.11(b)(i)).

- (2) If there is a person in charge of the vehicle located in a public place when a search warrant is being executed, the police officer must—

S. 148(2)(a)
amended by
No. 37/2014
s. 10(Sch.
item
63.11(b)(ii)).

- (a) identify himself or herself to the person as a police officer; and

- (b) give the person a copy of the execution copy of the warrant.

149 Search of persons or vehicles

S. 149
amended by
No. 22/1998
s. 43(Sch.
item 11),
substituted by
No. 9/2003
s. 9.

(1) If—

S. 149(1)
amended by
No. 37/2014
s. 10(Sch.
item
63.12(a)(ii)).

(a) a police officer has reasonable grounds for suspecting that a person is committing or is about to commit an offence against this Act and that person has a firearm, cartridge ammunition, silencer or prescribed item in his or her possession; and

S. 149(1)(a)
amended by
Nos 50/2007
s. 41, 37/2014
s. 10(Sch.
item 63.12(a)).

(b) the police officer informs the person of the grounds for his or her suspicion; and

S. 149(1)(b)
amended by
No. 37/2014
s. 10(Sch.
item
63.12(a)(ii)).

(c) the police officer complies with subsection (3)—

S. 149(1)(c)
amended by
No. 37/2014
s. 10(Sch.
item
63.12(a)(ii)).

the police officer may without warrant—

(d) search the person and any vehicle, package or thing in the possession of the person; and

(e) seize any firearm, cartridge ammunition, silencer or prescribed item found during the course of the search.

S. 149(1)(e)
amended by
No. 50/2007
s. 41.

Firearms Act 1996
No. 66 of 1996
Part 8—Further enforcement powers

S. 149(2)
amended by
No. 50/2007
s. 41.

- (2) For the purposes of subsection (1), the fact that a person is present in a location with a high incidence of violent crime may be taken into account in determining whether there are reasonable grounds for suspecting that the person has a firearm, cartridge ammunition, silencer or prescribed item in his or her possession.

S. 149(3)
amended by
No. 37/2014
s. 10(Sch.
item
63.12(b)(i)(ii)).

- (3) Before a police officer commences a search of a person under subsection (1), the police officer must—

S. 149(3)(a)
amended by
No. 37/2014
s. 10(Sch.
item
63.12(b)(iii)).

- (a) inform the person of the police officer's name, rank and place of duty; and

- (b) if requested by the person, provide the information referred to in paragraph (a) in writing; and

S. 149(3)(c)
amended by
No. 37/2014
s. 10(Sch.
item
63.12(b)(ii)).

- (c) produce his or her identification for inspection by the person, unless the police officer is in uniform.

S. 149(4)
amended by
No. 37/2014
s. 10(Sch.
item
63.12(c)(i)).

- (4) In conducting a search of a person under subsection (1), a police officer—

S. 149(4)(a)
amended by
Nos 50/2007
s. 41, 37/2014
s. 10(Sch.
item
63.12(c)(ii)).

- (a) may request that the person produce any thing that the police officer has detected or seen during the search on the person or in a vehicle, package or thing in the possession or under the control of the person, which the police officer has reasonable grounds for suspecting is a firearm, cartridge ammunition, silencer or prescribed item; and

(b) if a request is made under paragraph (a), must warn the person that refusal or failure to produce any thing so requested may be an offence.

- (5) A person must not, without reasonable excuse, refuse or fail to produce any thing in accordance with a request made under subsection (4).

Penalty: 30 penalty units.

149A Duty to make records concerning searches

S. 149A
inserted by
No. 9/2003
s. 9.

- (1) A police officer who conducts a search under section 149 must make a written record of the search containing the prescribed particulars.
- (2) The record must be made immediately after the completion of the search or, if that is not practicable, as soon as practicable after the completion of the search.
- (3) A person subjected to a search under section 149 is entitled, on request and without charge, to a copy of the record of the search, if the request is made not later than 1 year after the date of the search.
- (4) A request under subsection (3) is made to the officer in charge of the place of duty, referred to in section 149(3)(a), of the police officer who conducted the search.

S. 149A(1)
amended by
No. 37/2014
s. 10(Sch.
item 63.13(a)).

S. 149A(4)
amended by
No. 37/2014
s. 10(Sch.
item 63.13(b)).

150 Power to require production of licence

S. 150(1)
amended by
No. 37/2014
s. 10(Sch.
item 63.14).

(1) A police officer—

S. 150(1)(a)
amended by
No. 9/2003
s. 10.

- (a) who has reasonable grounds for suspecting that a person has committed or is about to commit an offence against this Act or that a person is in possession of a firearm; and
- (b) who produces his or her identification for inspection by the person—

may demand that the person produce his or her licence or permit under this Act.

(2) A person to whom a demand is directed under subsection (1) must comply with that demand.

Penalty: 30 penalty units.

151 Powers of court to order forfeiture of firearms, cartridge ammunition, silencers or prescribed items

S. 151
(Heading)
inserted by
No. 50/2007
s. 42(1).

S. 151(1)
amended by
Nos 22/1998
s. 43(Sch.
item 12),
50/2007
s. 42(2).

(1) If a person has by the operation of a finding by a court or the making of an order by a court—

- (a) become a prohibited person; or
- (b) been found guilty of—
 - (i) an offence against this Act; or
 - (ii) an offence under another Act involving the possession, carriage or use of a firearm—

the Supreme Court, or the court who makes the finding or order, may order the forfeiture to the Crown of any firearm, cartridge ammunition, silencer or prescribed item in the possession of or used or carried by the person.

- (2) The court must notify the Chief Commissioner of the forfeiture of the firearm, cartridge ammunition, silencer or prescribed item.

S. 151(2)
amended by
No. 50/2007
s. 42(3).

152 Disposal of forfeited firearms

Any firearm or firearm related item which is forfeited to the Crown under this Act or any other Act must be—

S. 152
amended by
No. 2/2018
s. 27.

- (a) destroyed; or
- (b) disposed of in accordance with one of the following subparagraphs—
 - (i) if the person who is entitled to possess the firearm or firearm related item under this Act is not the person from whom the firearm or firearm related item was seized, by returning it to the person entitled to possess the firearm or firearm related item; or
 - (ii) by giving the firearm or firearm related item to any person or body approved by the Minister to possess the firearm or firearm related item for a purpose approved by the Minister.

S. 152(b)(i)
amended by
No. 2/2018
s. 27.

S. 152(b)(ii)
substituted by
No. 49/2006
s. 22,
amended by
No. 2/2018
s. 27.

153 Power of court to make an order with respect to the disposal of a firearm, cartridge ammunition, silencer or prescribed item

If a firearm, cartridge ammunition, silencer or prescribed item has been surrendered or seized under this Act or any other Act or has been handed in to a police officer and—

- (a) the owner cannot be found; or

S. 153
(Heading)
inserted by
No. 50/2007
s. 43(1).

S. 153
amended by
Nos 22/1998
s. 43(Sch.
item 13),
50/2007
s. 43(2),
37/2014
s. 10(Sch.
item 63.14).

S. 153(b)
amended by
Nos 22/1998
s. 43(Sch.
item 13),
50/2007
s. 43(2).

- (b) it is otherwise necessary for the firearm,
cartridge ammunition, silencer or prescribed
item to be disposed of—

the Magistrates' Court may, on the application of a
police officer, order that the firearm, cartridge
ammunition, silencer or prescribed item be
destroyed or otherwise disposed of in the manner
approved by the Court.

S. 153A
(Heading)
inserted by
No. 68/2016
s. 163(1),
substituted by
No. 40/2019
s. 101(1).

**153A Powers that may be exercised by authorised officers
appointed under other Acts**

S. 153A
inserted by
No. 26/1997
s. 29.

S. 153A(1)
amended by
No. 22/1998
s. 43(Sch.
item 14(a)(b)),
substituted by
No. 9/2003
s. 11(1).

(1) If—

S. 153A(1)(a)
amended by
No. 50/2007
s. 44.

- (a) an authorised officer has reasonable grounds
for suspecting that a person is committing or
is about to commit an offence against this
Act and that person has a firearm, cartridge
ammunition, silencer or prescribed item in
his or her possession and—

- (i) the offence is or is about to be
committed on land administered by the
Minister administering the
Conservation, Forests and Lands Act

1987, or on a road adjacent to such land; or

- (ii) the authorised officer is acting under his or her duties under the **Wildlife Act 1975** or the **Fisheries Act 1995**; and
- (b) the authorised officer informs the person of the grounds for his or her suspicion; and
- (c) the authorised officer complies with subsection (1A)—

S. 153A(1)(c)
amended by
No. 107/2003
s. 8.

the authorised officer may—

- (d) search the person and any vehicle, package or thing in the possession of the person; and
- (e) seize any firearm, cartridge ammunition, silencer or prescribed item found during the course of the search.

S. 153A(1)(e)
amended by
No. 50/2007
s. 44.

(1A) Before an authorised officer commences a search of a person under subsection (1), the authorised officer must—

S. 153A(1A)
inserted by
No. 9/2003
s. 11(1).

- (a) inform the person of the officer's name, title, the agency employing the officer and the officer's place of employment; and
- (b) if requested by the person, provide the information referred to in paragraph (a) in writing; and
- (c) produce his or her identification for inspection by the person.

(1B) In conducting a search of a person under subsection (1), an authorised officer—

S. 153A(1B)
inserted by
No. 9/2003
s. 11(1).

- (a) may request that the person produce any thing that the authorised officer has detected or seen during the search on the person or in

S. 153A(1B)(a)
amended by
No. 50/2007
s. 44.

a vehicle, package or thing in the possession of the person, which the authorised officer has reasonable grounds for suspecting is a firearm, cartridge ammunition, silencer or prescribed item; and

- (b) if a request is made under paragraph (a), must warn the person that refusal or failure to produce any thing so requested may be an offence.

S. 153A(1C)
inserted by
No. 9/2003
s. 11(1).

- (1C) A person must not, without reasonable excuse, refuse or fail to produce any thing in accordance with a request made under subsection (1B).

Penalty: 30 penalty units.

- (2) If—

S. 153A(2)(a)
amended by
No. 9/2003
s. 11(2).

- (a) an authorised officer has reasonable grounds for suspecting that a person is committing or is about to commit an offence against this Act or that a person is in possession of a firearm; and

- (b) the authorised officer produces his or her identification for inspection by the person—

and if—

- (c) that offence is or is about to be committed on land administered by the Minister administering the **Conservation, Forests and Lands Act 1987**, or on a road adjacent to such lands; or

S. 153A(2)(d)
amended by
No. 22/1998
s. 43(Sch.
item 14(c)).

- (d) that authorised officer is acting under his or her duties under the **Wildlife Act 1975** or the **Fisheries Act 1995**—

the authorised officer may demand that the person produce his or her licence or permit under this Act.

- (3) A person to whom a demand is directed under subsection (2) must comply with that demand.

Penalty: 30 penalty units.

- (3A) A person must not, without reasonable excuse, hinder or obstruct an authorised officer who is exercising a power under this section.

S. 153A(3A)
inserted by
No. 9/2003
s. 11(3).

Penalty: 30 penalty units.

- (4) An authorised officer is exempt from the requirement to hold a licence under this Act when possessing or carrying a firearm or cartridge ammunition seized under this section.

S. 153A(4)
amended by
No. 22/1998
s. 43(Sch.
item 14(a)).

- (5) An authorised officer may institute a prosecution against any person for a breach of this section.

- (5A) An authorised officer who institutes a prosecution referred to in subsection (5) may appear in the proceeding by any other authorised officer.

S. 153A(5A)
inserted by
No. 9/2003
s. 11(4).

- (6) In this section *authorised officer* means a person appointed as an authorised officer under—

S. 153A(6)
substituted by
Nos 68/2016
s. 163(2),
40/2019
s. 101(2).

- (a) Part 9 of the **Conservation, Forests and Lands Act 1987**; or

- (b) Part 3 of the **Victorian Fisheries Authority Act 2016**; or

- (c) Part 3 of the **Game Management Authority Act 2014**.

153B Duty to make records concerning searches

S. 153B
inserted by
No. 9/2003
s. 12.

- (1) An authorised officer within the meaning of section 153A who conducts a search under section 153A(1) must make a written record of the search containing the prescribed particulars.
- (2) The record must be made immediately after the completion of the search or, if that is not practicable, as soon as practicable after the completion of the search.

- (3) A person subjected to a search under section 153A(1) is entitled, on request and without charge, to a copy of the record of the search if the request is made not later than 1 year after the date of the search.
- (4) A request under subsection (3) is made to the officer in charge of the place of employment, referred to in section 153A(1A)(a), of the authorised officer who conducted the search.

S. 153C
inserted by
No. 9/2003
s. 12.

153C Annual reports

- (1) The Chief Commissioner of Police must provide to the Minister for inclusion in the annual report of operations under Part 7 of the **Financial Management Act 1994** a report containing—
 - (a) the number of searches without warrant under section 149 conducted during that financial year; and
 - (b) the number and type of firearms, cartridge ammunition, silencers and prescribed items found during the course of those searches; and
 - (c) any other information requested by the Minister.
- (2) The Secretary of the Department of Environment, Land, Water and Planning must provide to the Minister for inclusion in the annual report of operations under Part 7 of the **Financial Management Act 1994** a report containing—
 - (a) the number of searches under section 153A(1) conducted during that financial year; and
 - (b) the number and type of firearms, cartridge ammunition, silencers and prescribed items found during the course of those searches; and

S. 153C(1)(b)
amended by
No. 50/2007
s. 45.

S. 153C(2)
amended by
No. 68/2016
s. 164(1).

S. 153C(2)(b)
amended by
No. 50/2007
s. 45.

- (c) any other information requested by the Minister.
- (3) The chief executive officer of the Victorian Fisheries Authority must provide to the Minister for inclusion in the annual report of operations under Part 7 of the **Financial Management Act 1994** a report containing—
 - (a) the number of searches under section 153A(1) conducted during that financial year; and
 - (b) the number and type of firearms, cartridge ammunition, silencers and prescribed items found during the course of those searches; and
 - (c) any other information requested by the Minister.

S. 153C(3)
inserted by
No. 68/2016
s. 164(2).

Part 9—Firearms Appeals Committee

Division 1—Establishment of Committee

154 Establishment of Committee

- (1) There is established a committee to be called the Firearms Appeals Committee.
- (2) The Committee has the function of reviewing decisions of the Chief Commissioner in the circumstances in which a right to review is given to any person by or under this Act.

155 Membership of the Committee

S. 155(1)
amended by
No. 2/2018
s. 28(1).

- (1) The Committee is to consist of 15 persons appointed by the Governor in Council.

- (2) Of the persons appointed to the Committee—

S. 155(2)(a)
substituted by
No. 18/2005
s. 18(Sch. 1
item 43),
amended by
Nos 17/2014
s. 160(Sch. 2
item 42.1(a)),
2/2018
s. 28(2)(a).

- (a) 5 must be Australian lawyers nominated by the Minister from a panel of persons submitted to the Minister as follows—

S. 155(2)(a)(i)
amended by
Nos 17/2014
s. 160(Sch. 2
item 42.1(b)),
2/2018
s. 28(2)(b).

- (i) if there are more than 2 professional associations (within the meaning of the Legal Profession Uniform Law (Victoria)), 2 persons may be nominated for the panel by each professional association; or

S. 155(2)(a)(ii)
amended by
No. 2/2018
s. 28(2)(c).

- (ii) if there are only 2 professional associations, 5 persons may be nominated for the panel by each professional association; or

- (iii) if there is only 1 professional association, 8 persons may be nominated for the panel by that professional association; and
- (b) 5 must be nominated by the Minister; and
- (c) 5 must be nominated by the Minister from panels of persons submitted as follows—
 - (i) 3 must be appointed from a panel of persons submitted to the Minister, and constituted by a submission of 4 names by each of the bodies prescribed for the purposes of this section, being bodies which are, or which represent, shooting organisations; and
 - (ii) 1 must be appointed from a panel of 3 persons submitted to the Minister by the Firearms Traders Association of Victoria; and
 - (iii) 1 must be appointed from a panel of 3 persons submitted to the Minister by the Victorian Farmers Federation.

S. 155(2)(a)(iii)
amended by
No. 2/2018
s. 28(2)(d).

156 Terms of office

- (1) A member of the Committee holds office for the term determined by the Governor in Council which must not be more than 3 years from the date of his or her appointment.
- (2) A member of the Committee is eligible for reappointment.

S. 156(3)
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 78.2),
80/2006
s. 26(Sch.
item 39).

- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member in respect of the office of member.

157 Resignation and removal

- (1) A member of the Committee ceases to be a member if he or she is absent, without leave first being granted by the Committee, from 3 consecutive meetings of the Committee of which reasonable notice has been given to that member, either personally or by post.
- (2) A member of the Committee may resign the office of member by writing signed by the member and addressed to the Governor in Council.
- (3) The Governor in Council may, at any time, remove a member from office.
- (4) If a member dies, resigns or is removed from office, the Governor in Council may, in accordance with this Act, fill the vacant office.
- (5) A member appointed under subsection (4) holds office for the rest of the term of appointment of the member whose place he or she fills.

158 Chairperson

- (1) The Governor in Council may appoint a member of the Committee who holds office under section 155(2)(a) to be the chairperson of the Committee.
- (2) The chairperson holds that office for the term determined by the Governor in Council and is eligible for reappointment.

- (3) The chairperson may resign that office by writing signed by him or her and addressed to the Governor in Council.
- (4) The Governor in Council may, at any time remove the chairperson from office.
- (5) The chairperson ceases to hold office on ceasing to be a member of the Committee.

S. 158(5)
amended by
No. 30/1999
s. 32(b).

159 Acting member

- (1) If a member of the Committee is unable to perform the duties or functions of his or her office, the Governor in Council may appoint a person qualified to be appointed to that office to act in that office during the period of inability.
- (2) The Governor in Council—
 - (a) subject to this Act, may determine the terms and conditions of appointment of an acting member; and
 - (b) may, at any time, terminate the appointment.
- (3) While the appointment of the acting member remains in force, the acting member has and may exercise all the powers and perform all the duties and functions of the office in which that person is acting.

160 Payment of members

- (1) A member, other than a member who is an employee in the public service within the meaning of the **Public Administration Act 2004**, is entitled to receive the fees, if any, that are fixed from time to time by the Governor in Council for the members of the Committee.
- (2) A member is entitled to receive the allowances that are fixed from time to time by the Governor in Council.

S. 160(1)
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 78.3).

161 Procedure of the Committee

- (1) The chairperson must preside at a meeting of the Committee at which he or she is present.
- (2) In the absence of the chairperson, the members present may elect a member to preside at the meeting.
- (3) A question arising at a meeting of the Committee is to be determined by a majority of votes of the members present at the meeting.
- (4) The person presiding at the meeting has a deliberative vote and, if the members are equally divided in opinion, a second or casting vote.
- (5) A quorum of the Committee consists of 8 members.
- (6) Except as otherwise provided for in this Act, the Committee may regulate its own proceedings.

S. 161(5)
amended by
No. 2/2018
s. 29.

162 Effect of vacancy or defect

An act or decision of the Committee is not invalid only because—

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment of any of its members; or
- (c) in the case of an acting member, the occasion for that member so acting had not arisen or had ceased.

Division 2—Review of decisions of the Chief Commissioner

163 Power of committee to sit in divisions

- (1) For the purposes of reviewing a decision of the Chief Commissioner, the Committee may sit in divisions.

- (2) A division must consist of 3 members of the Committee of whom—
 - (a) 1 must be appointed from the persons appointed to the Committee under section 155(2)(a); and
 - (b) 1 must be appointed from the persons appointed to the Committee under section 155(2)(b); and
 - (c) 1 must be appointed from the persons appointed to the Committee under section 155(2)(c).
- (3) The member appointed to a Division under subsection (2)(a) must preside at a Division hearing.
- (4) More than one Division of the Committee may sit concurrently.

164 Decision of a Division

A question before a Division of the Committee must be decided according to the opinion of the majority of the members constituting the Division.

165 Change in composition of a Division

- (1) If one of the members of the Division (other than the presiding member) vacates office or becomes incapable of sitting—
 - (a) before the Division has completed the hearing; or
 - (b) before the Division has made a determination in respect of a hearing—

if the remaining members of the Division agree, the hearing may be continued, or a determination made, by those remaining members and, if they are divided in opinion as to the determination to be made in respect of the hearing, the opinion of the presiding member prevails.

- (2) If the presiding member or more than 1 member vacates office or becomes incapable of sitting before the Division has completed the hearing or made a determination in respect of the hearing, the hearing is terminated and a new hearing may be commenced before another Division of the Committee.
- (3) In a new hearing, the new Division may have regard to the record of the proceeding before the Committee as previously constituted, including the record of any evidence taken in the proceeding.

166 Procedure of Division

- (1) A Division—
 - (a) is not bound by the rules of evidence; and
 - (b) may inform itself in any manner it thinks fit; and
 - (c) may conduct the proceeding in any manner it thinks fit.
- (2) Sections 14, 15, 16 and 21A of the **Evidence (Miscellaneous Provisions) Act 1958**, as in force immediately before their repeal, apply to the Committee or a Division of the Committee in hearing an appeal under this Act as if the Committee or Division of the Committee (as the case requires) were a Board appointed by the Governor in Council.

S. 166(2)
amended by
Nos 69/2009
s. 54(Sch. Pt 2
item 21),
67/2014
s. 147(Sch. 2
item 17).

167 How to commence a proceeding

- (1) An application for the review of a decision of the Chief Commissioner may be commenced before a Division of the Committee by giving notice in writing of the application to the Committee within 28 days of the notice of the decision of the Chief Commissioner being given to the applicant.

- (2) The applicant must give notice of the application to the Chief Commissioner at the same time as notice is given under subsection (1) and the notice must set out the nature and grounds of the application.
- (3) A person who is applying for a review of a decision of the Chief Commissioner must pay the fee prescribed for applications for review.

Part 10—Infringement notices

168 Power to serve a notice

S. 168(1)
amended by
No. 37/2014
s. 10(Sch.
item 63.14).

- (1) A police officer may serve an infringement notice under this Part on any person that he or she has reason to believe has committed a prescribed offence.

S. 168(2)
substituted by
No. 32/2006
s. 94(Sch.
item 20(2)).

- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.

S. 169
repealed by
No. 32/2006
s. 94(Sch.
item 20(3)).

* * * * *

170 Penalties to be paid for offences under infringement notices

The penalty to be paid in respect of an offence to which an infringement notice relates is one-tenth of the maximum penalty fixed for that offence by the Act or any lesser prescribed amount.

Ss 171–173
repealed by
No. 32/2006
s. 94(Sch.
item 20(3)).

* * * * *

Ss 174, 175
amended by
No. 30/1999
s. 32(c),
repealed by
No. 32/2006
s. 94(Sch.
item 20(3)).

* * * * *

Part 10A—Firearm prohibition orders, reporting and the IBAC

Division 1—Definitions

Pt 10A
(Headings
and ss 171–
174O)
inserted by
No. 2/2018
s. 30.

171 Definitions

New s. 171
inserted by
No. 2/2018
s. 30.

In this Part—

applicable proceeding, process or action
means—

- (a) any legal proceeding other than a criminal proceeding;
- (b) any proceeding, other than a criminal proceeding, of any tribunal, authority or person having power to require the production of documents or the answering of questions, other than the Victorian Inspectorate;
- (c) any disciplinary process or action;

authorised IBAC Officer means an IBAC Officer that is authorised under section 174M(4);

breach of discipline has the same meaning as in section 3(1) of the **Victoria Police Act 2013**;

IBAC Commissioner has the same meaning as ***Commissioner*** has in the **Independent Broad-based Anti-corruption Commission Act 2011**;

IBAC Ministerial report means a report under section 174B;

member of Victoria Police personnel has the same meaning as in section 3(1) of the **Victoria Police Act 2013**;

protected person has the same meaning
as in section 45 of the **Independent Broad-
based Anti-corruption Commission Act
2011**.

Division 2—Annual reporting obligations

172 Information to be included in annual reports

New s. 172
inserted by
No. 2/2018
s. 30.

- (1) The Chief Commissioner must provide to the Minister, for inclusion in the annual report of Victoria Police as a public body for a financial year under Part 7 of the **Financial Management Act 1994**, a report containing the following information—
 - (a) the number of firearm prohibition orders issued;
 - (b) the number of firearm prohibition orders in operation;
 - (c) the number of people under 18 years of age who are subject to firearm prohibition orders;
 - (d) the number of firearms and firearm related items seized during any exercise of powers under Part 4A;
 - (e) the number of charges laid for offences under this Act connected with searches under Part 4A;
 - (f) the number of charges laid for other offences connected with searches under Part 4A.
- (2) The IBAC, in its annual report for a financial year under Part 7 of the **Financial Management Act 1994**, must include the following information—
 - (a) the number of firearm prohibition orders, the making of which it has reviewed;

- (b) the number of cases of review for which recommendations have been made by the IBAC and the number of those recommendations that have been accepted by the Chief Commissioner.

Division 3—Monitoring the administration of Part 4A and this Part

173 IBAC to monitor exercise of powers etc. under Part 4A and this Part

New s. 173
inserted by
No. 2/2018
s. 30.

The IBAC may monitor any exercise of the powers of the Chief Commissioner or performance of the duties and functions of the Chief Commissioner under Part 4A or this Part, including monitoring any issue relating to—

- (a) the administration by the Chief Commissioner of Part 4A and this Part; and
- (b) an exercise of powers under Part 4A or this Part.

174 Reports to the Minister on monitoring

New s. 174
inserted by
No. 2/2018
s. 30.

- (1) The IBAC may at any time give the Minister a written report on any monitoring of any exercise of the powers of the Chief Commissioner or a performance of the duties and functions of the Chief Commissioner under Part 4A or this Part, including the results of any inspections carried out under Division 6.
- (2) If requested by the Minister to do so, the IBAC must give the Minister a report under subsection (1) as soon as practicable after receiving the request.
- (3) The IBAC must give a copy of any report under subsection (1) to the Chief Commissioner.

S. 174A
inserted by
No. 2/2018
s. 30.

174A Request for action after monitoring

- (1) After monitoring any exercise of the powers of the Chief Commissioner or any performance of the duties and functions of the Chief Commissioner under Part 4A or this Part, the IBAC, in writing, may recommend that the Chief Commissioner take any action that the IBAC considers appropriate.
- (2) The Chief Commissioner must give a written response to the IBAC's recommendation within 45 days of receiving the recommendation.
- (3) A recommendation under subsection (1) must be made in private.

Division 4—IBAC Ministerial report

S. 174B
inserted by
No. 2/2018
s. 30.

174B IBAC Ministerial report

- (1) The IBAC, in accordance with section 174C, must report to the Minister on matters for or with respect to—
 - (a) the administration of Part 4A and this Part; and
 - (b) the exercise of the powers of the Chief Commissioner and the performance of the duties and functions of the Chief Commissioner under Part 4A and this Part; and
 - (c) the exercise of any other powers under Part 4A.
- (2) In a report under this section the IBAC may identify and include recommendations to the Minister on possible amendments to Part 4A or this Part to improve the operation of the Parts.

174C Timing of IBAC Ministerial report

The IBAC must make an IBAC Ministerial report as soon as possible after the end of the first 2 year period from the commencement of this Division and as soon as possible after the end of each 2 year period after that.

S. 174C
inserted by
No. 2/2018
s. 30.

174D Tabling IBAC Ministerial reports

- (1) The Minister must cause an IBAC Ministerial report to be laid before each House of Parliament within 7 sitting days of that House after receiving the report.
- (2) A report tabled under subsection (1) must not include any information that the Chief Commissioner identifies should not be included in the report.
- (3) For the purpose of subsection (2), before the Minister tables the report the Chief Commissioner may advise the Minister that information in the report should not be included the tabled report because, in the Chief Commissioner's opinion, the information could reasonably be expected to—
 - (a) endanger a person's safety; or
 - (b) prejudice an investigation or prosecution; or
 - (c) compromise operational activities or methodologies of—
 - (i) Victoria Police; or
 - (ii) the IBAC; or
 - (iii) a police force or police service of another State or a Territory of the Commonwealth; or

S. 174D
inserted by
No. 2/2018
s. 30.

- (iv) the Australian Federal Police constituted under the Australian Federal Police Act 1979 of the Commonwealth; or
 - (v) any police force or police service (however described) in a place outside Australia; or
 - (vi) any other person or body responsible for the enforcement of laws in a place outside Australia; or
- (d) disclose the identity of a person, where it is not in the public interest to do so.

Division 5—Reporting on the issue of firearm prohibition orders

S. 174E
inserted by
No. 2/2018
s. 30.

174E Chief Commissioner report on issued firearm prohibition orders

- (1) As soon as possible after the end of each period of 3 months in any year the Chief Commissioner, in writing, must report to the IBAC listing the firearm prohibition orders issued in the period.
- (2) For the purpose of subsection (1), the first period of 3 months in any year begins on 1 January.
- (3) A report under subsection (1) must set out the following information—
 - (a) the number of orders issued in the period;
 - (b) in relation to each order—
 - (i) the name and age of the individual to whom the order applies; and
 - (ii) the grounds set out in section 112E that were relied on to issue the order; and
 - (iii) whether or not an application for VCAT review has been applied for.

174F The IBAC review of the issue of firearm prohibition orders

S. 174F
inserted by
No. 2/2018
s. 30.

- (1) The IBAC must review the making of firearm prohibition orders in accordance with this section.
- (2) A review of the making of firearm prohibition orders must be conducted for each 3 month period of every year, with the first period commencing on 1 January.
- (3) In each quarterly review the IBAC must review the making of a proportion of the orders made during the period under review.
- (4) The IBAC must determine the proportion of orders to be reviewed having regard to the number of orders made during the period, the need to have a representative sample of orders made and any other relevant issues.

174G Preliminary processes

S. 174G
inserted by
No. 2/2018
s. 30.

- (1) Once the IBAC has determined the orders, the issue of which is to be reviewed, the IBAC, in writing, must give the Chief Commissioner notice of that information.
- (2) On receiving a notice under subsection (1), the Chief Commissioner must allow the IBAC to have access to all information on which the decision to make the order was based.

174H Conduct of review

S. 174H
inserted by
No. 2/2018
s. 30.

- (1) For each order under review, the IBAC must review whether or not the order should have been made having regard to the matters set out in section 112E(a), (b), (c) and (d).
- (2) In a review, the information that the IBAC may consider is the information given to the IBAC under section 174G(2).

S. 174I
inserted by
No. 2/2018
s. 30.

174I The IBAC may request that certain action be taken

- (1) After reviewing the issue of an order, the IBAC, in writing, may recommend that the Chief Commissioner take any action that the IBAC considers appropriate.
- (2) The Chief Commissioner must give a written response to the IBAC's recommendation within 45 days of receiving the recommendation.
- (3) A recommendation under subsection (1) must be made in private.

Division 6—General

S. 174J
inserted by
No. 2/2018
s. 30.

174J Non-production of documents and other things in applicable proceeding, process or action

- (1) A protected person is not compellable to produce, or permit inspection of, any document or other thing in any applicable proceeding, process or action if—
 - (a) the protected person has created the document or thing in the performance of the duties and functions or the exercise of the powers of the protected person or the IBAC under this Act; or
 - (b) the document or thing has come into the protected person's possession or control in the performance of the duties and functions or the exercise of the powers of the protected person or the IBAC under this Act.
- (2) A written certificate of the IBAC that a document or thing is a document or thing to which subsection (1)(a) or (b) applies is evidence of that fact.

174K Exemption from Freedom of Information Act 1982

S. 174K
inserted by
No. 2/2018
s. 30.

- (1) The **Freedom of Information Act 1982** does not apply to a document that is in the possession of any person or body to the extent to which the document discloses information that relates to the performance of the duties and functions or the exercise of the powers of the IBAC or an authorised IBAC Officer.
- (2) In this section, *document* has the same meaning as in the **Freedom of Information Act 1982**.

174L Disclosure of information by Chief Commissioner under this Part

S. 174L
inserted by
No. 2/2018
s. 30.

- (1) The Chief Commissioner does not commit an offence under section 181, if the Chief Commissioner discloses information to the IBAC for the purposes of this Part.
- (2) A member of Victoria Police personnel does not commit an offence under section 181, if the member discloses information to the IBAC for the purposes of this Part.

174M Powers of entry and inspection

S. 174M
inserted by
No. 2/2018
s. 30.

- (1) An authorised IBAC Officer may, after notifying the Chief Commissioner of the intended entry—
 - (a) at any time, enter premises occupied by Victoria Police at which the IBAC Commissioner reasonably believes there are documents that contain, or relate to, the administration of Part 4A or that are relevant to the IBAC's functions under this Part; and
 - (b) inspect or copy any document found at any premises entered under paragraph (a); and
 - (c) may require a member of Victoria Police personnel to give the authorised IBAC Officer any information that the authorised IBAC Officer considers necessary, being

information that is in the member's possession, or to which the member has access, and that is relevant to the inspection; and

- (d) may require a member of Victoria Police personnel to answer any question that is relevant to the inspection; and
 - (e) do anything that it is necessary or convenient to do to enable an inspection to be carried out under this section.
- (2) The Chief Commissioner must ensure that members of Victoria Police personnel give any assistance the authorised IBAC Officer reasonably requires to enable the authorised IBAC Officer to perform the authorised IBAC Officer's functions under this section.
- (3) Any information or answer given in accordance with a requirement under subsection (1)(c) or (d) is not admissible in evidence before any court or person acting judicially, except in proceedings for—
- (a) perjury or giving false information; or
 - (b) a breach of discipline by a member of Victoria police personnel; or
 - (c) a disciplinary process or action, within the meaning of the **Independent Broad-based Anti-corruption Commission Act 2011**.
- (4) The IBAC may authorise a IBAC Officer to exercise the powers of an authorised IBAC Officer under this section.

S. 174N
inserted by
No. 2/2018
s. 30.

174N IBAC to be given reasonable assistance

- (1) The Chief Commissioner must give the IBAC any reasonable assistance that the IBAC reasonably requires to enable the IBAC to perform the IBAC's functions under this Part.

- (2) The Chief Commissioner must ensure that each of the following persons gives the IBAC any assistance that the IBAC reasonably requires to enable the IBAC to perform the IBAC's functions under this Part—
- (a) police officers;
 - (b) delegates of the Chief Commissioner under Part 4A;
 - (c) any persons employed in the administration of Part 4A or this Part.

174O Chief Commissioner to keep records

S. 174O
inserted by
No. 2/2018
s. 30.

- (1) For the purpose of Part 4A and this Part, the Chief Commissioner must take all reasonable steps to ensure that the following records are kept—
- (a) each firearm prohibition order made, including any order that is not in operation;
 - (b) any document received from an individual to whom a firearm prohibition order applies, or on behalf of that person, in relation to the order;
 - (c) any policies, procedures or guidelines of Victoria Police about the making of firearm prohibition orders or the operation of Part 4A;
 - (d) records of any searches under Part 4A.
- (2) It is sufficient compliance with subsection (1) if a copy of a document is kept.

Part 11—General

New s. 175
inserted by
No. 50/2007
s. 46.

175 Service of notices

- (1) If by or under this Act the Chief Commissioner serves a notice by post, the notice must be served on the person to be served by sending it by post addressed to the person at the person's last place of residence or business known to the Chief Commissioner.
- (2) Subject to any evidence to the contrary and despite anything to the contrary in section 49 of the **Interpretation of Legislation Act 1984**, a notice served by post in accordance with subsection (1) is deemed to be served 21 days after the date of the notice.
- (3) For the purposes of subsection (2), evidence to the contrary includes but is not limited to evidence that the person to be served had notified the Chief Commissioner of any change to his or her place of residence or business before the date of the notice.

S. 176
amended by
Nos 28/2003
s. 63, 9/2003
s. 13, 37/2014
s. 10(Sch.
item 63.15),
2/2018
s. 31(a).

176 Power of delegation

The Chief Commissioner may, in writing, delegate to any police officer or to any Victoria Police employee any of the Chief Commissioner's powers under this Act except sections 112F and 153C(1) and this power of delegation.

* * * * *

S. 176(a)
inserted by
No. 28/2003
s. 63,
repealed by
No. 2/2018
s. 31(b).

*	*	*	*	*	S. 176(b) inserted by No. 28/2003 s. 63, amended by No. 55/2014 s. 102, repealed by No. 2/2018 s. 31(b).
---	---	---	---	---	---

*	*	*	*	*	S. 176(c) inserted by No. 28/2003 s. 63, repealed by No. 2/2018 s. 31(b).
---	---	---	---	---	---

176A Annual Report of Chief Commissioner

The Chief Commissioner must, in each year, within 3 months after the expiry of the time allowed for approved handgun target shooting clubs to make a report under section 123C, submit to the Minister a report setting out details of the information requested by the Minister in relation to those reports.

S. 176A
inserted by
No. 28/2003
s. 64.

177 Duplicate licences

If, on receiving an application for a duplicate licence, permit or authority, the Chief Commissioner is satisfied that the original licence, permit or authority has been lost or destroyed, the Chief Commissioner may issue a duplicate of that licence, permit or authority to the holder.

178 Application for duplicate licence

- (1) An application under section 177 must be in the manner and form approved by the Chief Commissioner.
- (2) The applicant must pay the fee prescribed for an application in the nature of the application made.

S. 178(1)
amended by
No. 78/2005
s. 55.

179 Power of Chief Commissioner to make approvals

S. 179(1)
amended by
Nos 26/1997
s. 30, 78/2005
s. 56.

- (1) The Chief Commissioner may approve firearms shooting ranges, firearms safety courses, paintball safety courses, firearms safety instructors, organisations of collectors, locations of paintball activities, events and bodies to whom information may be disclosed for the purposes of this Act.

S. 179(2)
substituted by
No. 22/1998
s. 36.

- (2) A non-prohibited person who has made an application to the Chief Commissioner for an approval under subsection (1) may apply to the Committee for a review of a decision of the Chief Commissioner not to grant the approval or for a review of a failure of the Chief Commissioner to make the decision within a reasonable time.

S. 179(3)
inserted by
No. 22/1998
s. 36.

- (3) The Chief Commissioner may—
- (a) impose conditions on any approval under subsection (1); and
 - (b) may, after notifying the holder of the approval, alter any such condition.

S. 179A
inserted by
No. 78/2005
s. 57.

179A Approved handgun target shooting matches

- (1) For the purposes of this Act, on application by an approved handgun target shooting club, the Chief Commissioner may approve handgun target shooting matches to be conducted by the club, if the Chief Commissioner is satisfied that the matches will be conducted by the approved club at an approved shooting range.
- (2) On making an approval under subsection (1), the Chief Commissioner must cause the approval to be published in the Government Gazette.

180 Deceased estates

S. 180(1)
substituted by
No. 50/2007
s. 47(1).

- (1) The executor or administrator of an estate of a person who has died in possession of a firearm does not commit an offence against this Act if the executor or administrator, for a period of 6 months

after the death of the person, retains possession of the firearm, carries the firearm and for the purpose of disposing of the firearm—

- (a) stores the firearm in accordance with Part 6;
or
 - (b) arranges for a licensed firearms dealer to store the firearm on his or her behalf; or
 - (c) arranges for a holder of a licence under Part 2 whose licence permits the possession, carriage or use of that type of firearm to store the firearm on his or her behalf.
- (2) The executor or administrator must notify the Chief Commissioner of the death of the person who possessed the firearm as soon as practicable after becoming aware of the person's death.

S. 180(2)
amended by
No. 50/2007
s. 47(2).

Penalty: 10 penalty units.

181 Disclosure of information

S. 181
amended by
No. 28/2003
s. 65 (ILA
s. 39B(1)).

- (1) Except to the extent necessary for the purposes of the administration of this Act, a person engaged or employed in the administration of this Act must not disclose information gained because of that person's engagement or employment or information contained in a record, return or report prepared by that person to any person except—
- (a) a court; or
 - (b) the Committee; or
 - (c) the Minister; or
 - (d) the Chief Commissioner or a police officer;
or

S. 181(1)
amended by
No. 78/2005
s. 58(1).

S. 181(1)(d)
amended by
No. 37/2014
s. 10(Sch.
item 63.16).

S. 181(1)(g)
substituted by
No. 82/2012
s. 288.

- (e) any person or body in another State or a Territory or the Commonwealth who performs tasks (whether or not as a delegate or agent or otherwise) which correspond with those performed by the Chief Commissioner under this Act; or
- (f) any body formed between the States and Territories or between the Commonwealth, the States and the Territories, if the disclosure of information is approved by the Chief Commissioner; or
- (g) an Ombudsman officer within the meaning of the **Ombudsman Act 1973**.

Penalty: 60 penalty units or 12 months imprisonment.

S. 181(2)
inserted by
No. 28/2003
s. 65.

- (2) Despite subsection (1), in relation to an application for membership of an approved handgun target shooting club or an approved firearms collectors club, the Chief Commissioner may disclose, to a nominated officer of the club, any information as to the following—

S. 181(2)(ba)
inserted by
No. 50/2007
s. 48.

- (a) the firearms held by the applicant for membership of the club;
- (b) any other approved handgun target shooting club or approved firearms collectors club (as the case requires) of which the applicant is a member;
- (ba) any approved handgun target shooting club or approved firearms collectors club (as the case requires) of which the applicant has been a member at any time during the 12 months immediately before the application was made;

- (c) any other approved handgun target shooting club or approved firearms collectors club (as the case requires) of which the Chief Commissioner is aware the applicant has been refused membership in the 5 years immediately preceding the application;
- (d) any firearms licence held by the applicant that has been cancelled in the 5 years immediately preceding the application;
- (e) any application for a licence or permit under this Act by the applicant that has not been granted by the Chief Commissioner in the 5 years immediately preceding the application;
- (f) any other information that is necessary to enable the club to perform its functions under this Act.

S. 181(2)(e)
amended by
No. 78/2005
s. 58(2)(a).

S. 181(2)(f)
inserted by
No. 78/2005
s. 58(2)(b).

Note

See also Part 5A of the **Family Violence Protection Act 2008** in respect of the use and disclosure obligations of persons or bodies prescribed to be information sharing entities under that Act.

Note to s. 181
inserted by
No. 23/2017
s. 38.

181A Requirement for Chief Commissioner to disclose certain information to certain approved clubs

S. 181A
inserted by
No. 28/2003
s. 66.

- (1) If the Chief Commissioner cancels or suspends—
 - (a) a general category handgun licence that is held for the reason of target shooting, the Chief Commissioner must inform any approved handgun target shooting club of which the holder of that licence is a member of that cancellation or suspension; or
 - (b) a category 1 or category 2 firearms collectors licence, the Chief Commissioner must inform any approved firearms collectors club of which the holder of that licence is a member of that cancellation or suspension;
or

S. 181A(1)(b)
amended by
No. 78/2005
s. 59(a).

S. 181A(1)(c)
inserted by
No. 78/2005
s. 59(b).

- (c) a provisional general category handgun licence, the Chief Commissioner must inform any approved handgun target shooting club of which the holder is a member of that cancellation or suspension.
- (2) The Chief Commissioner does not commit an offence under section 181 when acting under this section.

182 Appeals from decisions of Committee

S. 182(1)
amended by
Nos 52/1998
s. 311(Sch. 1
item 30.1(a)),
2/2018 s. 32.

- (1) An application may be made to VCAT for the review of a decision of the Committee made under Part 9 or of a failure by the Committee to make such a decision within a reasonable time.

S. 182(2)
amended by
No. 52/1998
s. 311(Sch. 1
item 30.1(b)).

- (2) An application under subsection (1) may only be made by a person whose interests are affected by—
 - (a) the decision of the Committee; or
 - (b) the failure of the Committee to act.

S. 182(3)
inserted by
No. 52/1998
s. 311(Sch. 1
item 30.2).

- (3) An application for review must be made within 28 days after the later of—
 - (a) the day on which the decision is made;
 - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the applicant requests a statement of reasons for the decision, the day on which the statement of reasons is given to the applicant or the applicant is informed under section 46(5) of that Act that a statement of reasons will not be given.

182A Time period for making application for review to VCAT

S. 182A
inserted by
No. 2/2018
s. 33.

- (1) An application for review of a decision of the Chief Commissioner on the ground specified in section 17(1)(ba), 42(2)(bb) or 49(1)(f) must be made within 28 days of the later of—
 - (a) the day on which the decision is made;
 - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the applicant requests a statement of reasons for the decision, the day on which the statement of reasons is given to the applicant or the applicant is informed under section 46(5) of that Act that a statement of reasons will not be given.
- (2) An application for review under section 112L must be made within 28 days of the later of—
 - (a) the day on which the firearm prohibition order is served on the individual to whom it applies; or
 - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the individual requests a statement of reasons for the decision, the day on which the statement of reasons is given to the individual or the individual is informed under section 46(5) of that Act that a statement of reasons will not be given.

183 Immunity from liability

- (1) Despite section 141 of the **Health Services Act 1988**, section 346 of the **Mental Health Act 2014**, section 39 of the **Disability Act 2006** and any other similar enactment or provision if a health professional believes—

S. 183(1)
amended by
Nos 28/2003
s. 67(1),
23/2006 s. 238,
26/2014
s. 455(Sch.
item 10.2).

- (a) that a person whom he or she has been providing professional services is not a fit and proper person to possess, carry or use a firearm; and
- (b) that that person has a licence under this Act or intends to apply for a licence under this Act or possesses or intends to possess a firearm—

the health professional may so advise the Chief Commissioner, and is not subject to any civil or criminal liability for doing so, if the advice is given in good faith.

S. 183(2)
amended by
No. 28/2003
s. 67(2).

- (2) If an officer of an approved club or approved handgun target shooting club believes—
 - (a) that a person who is a member of the club is not a fit and proper person to possess, carry or use a firearm; and
 - (b) that that person has a licence under this Act or intends to apply for a licence under this Act or possesses or intends to possess a firearm—

the officer may so advise the Chief Commissioner, and is not subject to any civil or criminal liability for doing so, if the advice is given in good faith.

S. 183(3)
inserted by
No. 28/2003
s. 67(3).

- (3) A nominated officer of an approved handgun target shooting club or an approved firearms collectors club, as the case requires, is not subject to any civil or criminal liability for giving advice to the Chief Commissioner, in good faith, under section 123E or 123K.

S. 183(4)
inserted by
No. 28/2003
s. 67(3).

- (4) In this section **health professional** means any one of the following—
 - (a) a registered medical practitioner;
 - (b) a registered psychologist;

(c) a nurse or midwife;

S. 183(4)(c)
amended by
No. 13/2010
s. 51(Sch.
item 23.4).

(d) a prescribed class of social worker;

(e) a prescribed class of professional counsellor.

184 Exemptions for museums

(1) The Governor in Council, on the recommendation of the Minister, may grant an exemption to a museum from the provisions of Part 2 and Division 2 of Part 4.

(2) The Chief Commissioner may recommend to the Minister that a museum be granted an exemption if the Chief Commissioner is satisfied that—

(a) the museum is a body corporate which is not run for profit and is publicly funded; and

(b) the premises of the museum are open to the public; and

(c) the museum is of an educational, historical or cultural nature.

(3) An exemption is subject to any conditions specified in the exemption.

(4) The holder of an exemption must comply with the exemption.

Penalty: 30 penalty units.

(5) An application for an exemption must be addressed to the Chief Commissioner and in the form and manner approved by the Chief Commissioner.

(6) A person who applies for an exemption must pay the fee prescribed for exemptions in the nature of the exemption applied for.

185 Interstate licence holders—temporary visitors

(1) A person who—

- (a) is the holder of a licence issued in another State or a Territory which authorises the possession, carriage or use of a category A or B longarm or a handgun for the purposes of sport or target shooting; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of taking part in a shooting competition which is conducted by an approved club or organisation.

S. 185(1AA)
inserted by
No. 50/2007
s. 49(1).

(1AA) For the purposes of subsection (1), taking part in a shooting competition includes taking part in the competition as an instructor, referee, supervisor, competition judge or range officer.

S. 185(1A)
inserted by
No. 26/1997
s. 31.

(1A) A person who—

- (a) is the holder of a licence issued in another State or a Territory which authorises the possession, carriage or use of a category C longarm for the purposes of clay target shooting; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of taking part in a shooting competition which is conducted by an approved clay target shooting club or organisation.

(2) A person who—

- (a) is the holder of a licence in another State or a Territory which authorises the possession, carriage or use of a category A or B longarm for the purposes of hunting; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act to the extent that the holder is authorised—

- (c) to hunt on land where the holder has obtained the permission of the owner or occupier of the land to hunt on that land; and
- (d) to hunt on Crown land, if such hunting is in accordance with any Act, regulation or other instrument regulating hunting on that land.

(2A) A person who—

- (a) is the holder of a licence in another State or a Territory which authorises the possession, carriage or use of a category A or B longarm for the purposes of primary production; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of possessing, carrying or using the firearms possessed under the licence on land used for primary production if—

- (c) the person has first obtained the permission of the owner or occupier of the land to possess, carry or use the firearm on the land; and

S. 185(2A)
inserted by
No. 22/1998
s. 37.

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

S. 185(2B)
inserted by
No. 22/1998
s. 37.

(2B) A person who—

- (a) is the holder of a licence in another State or a Territory which authorises the possession, carriage or use of a category C longarm for the purposes of primary production; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of the suppression of pest animals on land on which primary production is carried out if that activity is conducted in accordance with the regulations.

(3) A person who—

- (a) is the holder of a licence in another State or a Territory which authorises the carrying on of the business of dealing in firearms; and
- (b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purpose of taking part in a display of firearms—

- (c) which is conducted by licensed firearms dealer; and
- (d) which is approved by the Chief Commissioner.

S. 185(4)
inserted by
No. 50/2007
s. 49(2).

(4) A person who—

- (a) is the holder of a licence or permit in another State or a Territory which authorises the possession, carriage or use of a paintball marker for the reason of participating in paintball gaming activities; and

(b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the reason of participating in paintball gaming activities in accordance with this Act.

(5) A person who—

(a) is the holder of a licence or permit in another State or Territory which authorises the person to possess, carry or use a general category handgun for the occupation of security guard; and

(b) ordinarily resides in the other State or Territory—

is deemed to be the holder of a corresponding licence under this Act for the purposes of acting as a security guard on a temporary basis in accordance with this Act.

S. 185(5)
inserted by
No. 50/2007
s. 49(2).

186 Temporary visitor permit

- (1) A person who ordinarily resides outside Australia may apply to the Chief Commissioner for a permit to possess, carry or use a firearm in Victoria.
- (2) The Chief Commissioner may issue a permit to a person who has applied for a permit under subsection (1) and may impose any conditions on the permit the Chief Commissioner thinks fit.
- (3) The holder of a permit under this section does not commit an offence against section 6 or 7 while acting under and in accordance with the permit.
- (4) The holder of the permit must comply with the permit.

Penalty: 60 penalty units or 12 months imprisonment.

S. 186A
inserted by
No. 30/1999
s. 31.

186A Interstate temporary visitor permits

A person who—

- (a) ordinarily resides outside Australia; and
- (b) holds a permit issued under the law of another State or a Territory of a kind specified in the regulations—

does not commit an offence against section 6 or 7 while acting under and in accordance with the permit.

187 Interstate licence holders—permanent residents

(1) A person who—

- (a) is the holder of a licence in another State or a Territory which corresponds with a category A or B longarms licence; and
- (b) has notified the Chief Commissioner that he or she intends to permanently reside in Victoria—

is, for a period of 3 months after that notification is given, deemed to be—

- (c) the holder of a category A or B longarms licence (as the case requires); and
- (d) authorised under that licence to possess, carry or use any firearm which that person was so authorised to possess, carry or use under the licence issued in the other State or Territory.

S. 187(2)
amended by
No. 22/1998
s. 38(b).

(2) A person who—

S. 187(2)(a)
amended by
No. 28/2003
s. 68(a).

- (a) is the holder of a licence in another State or a Territory which corresponds with a category C or D longarms licence or a

handgun licence for general category handguns; and

- (b) has notified the Chief Commissioner that he or she intends to permanently reside in Victoria—

is, for a period of 7 days after that notification is given—

- (c) deemed to be the holder of a category C or D longarms licence or a handgun licence for general category handguns (as the case requires); and

S. 187(2)(c)
amended by
No. 28/2003
s. 68(b).

- (d) authorised under that licence to possess, carry or use any firearm which that person was so authorised to possess, carry or use under the licence issued in the other State or Territory—

S. 187(2)(d)
amended by
No. 22/1998
s. 38(a).

and, in the case of a person who, within the period of 7 days, applies to the Chief Commissioner for a licence under Part 2 to possess, carry or use any such firearm, is authorised to possess any such firearm until the outcome of the application is determined.

- (3) A person who—

S. 187(3)
inserted by
No. 50/2007
s. 50.

- (a) is the holder of a licence or permit in another State or Territory which corresponds with a paintball marker licence; and
- (b) has notified the Chief Commissioner that he or she intends to permanently reside in Victoria—

is, for a period of 3 months after that notification is given, deemed to be—

- (c) the holder of a paintball marker licence; and
- (d) authorised under that licence to possess, carry or use a paintball marker.

188 Power to approve schemes of compensation

- (1) The Minister, in consultation with the Treasurer, may approve a scheme of compensation for making payment to any person who surrenders to the Chief Commissioner a firearm which he or she lawfully owned immediately before it became unlawful to own that firearm.
- (2) A payment made under a scheme approved by the Minister under subsection (1) must be paid from the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

189 Application to be deemed not to be a prohibited person

S. 189(1)
substituted by
No. 52/2008
s. 248(1).

- (1) A person who is a prohibited person referred to in paragraph (c)(i) of the definition of **prohibited person** in section 3(1) may apply to the Court for a declaration that the person—
 - (a) is deemed not to be a prohibited person by virtue of being or having been subject to a final order of a kind referred to in that subparagraph; or
 - (b) is so deemed for limited purposes only.

S. 189(1AA)
inserted by
No. 68/2008
s. 75(1).

- (1AA) A person who is a prohibited person referred to in paragraph (c)(ib) of the definition of **prohibited person** in section 3(1) may apply to the Court for a declaration that the person—
 - (a) is deemed not to be a prohibited person by virtue of being or having been subject to an order of a kind referred to in that paragraph; or
 - (b) is so deemed for limited purposes only.

- (1A) A person to whom paragraph (d) of the definition of prohibited person applies may apply to the Court for a declaration that the person—
- (a) is deemed not to be a prohibited person; or
- (b) is so deemed for limited purposes only.
- (1B) A person who is a prohibited person referred to in paragraph (cc)(ii) of the definition of **prohibited person** in section 3(1) may apply to the Court for a declaration that the person—
- (a) is deemed not to be a prohibited person by virtue of being or having been subject to a supervision order or an interim supervision order of a kind referred to in that subparagraph; or
- (b) is so deemed for limited purposes only.
- (2) The purposes for which the person is deemed not to be a prohibited person must be specified in the order.
- (2A) A person who is making an application under this section must give 28 days written notice of that application to—
- (a) the registrar of the Court; and
- (b) the Chief Commissioner; and
- (c) in the case of an application under subsection (1) or (1AA), the person protected by the final order.
- (2B) The—
- (a) Chief Commissioner; and
- S. 189(1A) inserted by No. 22/1998 s. 39(1).
- S. 189(1B) inserted by No. 27/2018 s. 359(4).
- S. 189(2A) inserted by No. 26/1997 s. 32.
- S. 189(2A)(c) amended by Nos 22/1998 s. 39(2), 52/2008 s. 248(2), 68/2008 s. 75(2).
- S. 189(2B) inserted by No. 26/1997 s. 32.

S. 189(2B)(b)
amended by
Nos 22/1998
s. 39(3),
52/2008
s. 248(2),
68/2008
s. 75(3).

(b) in the case of an application under subsection (1) or (1AA), person protected by the final order—

may appear before the Court to be heard on the application.

S. 189(3)
substituted by
No. 22/1998
s. 39(4).

(3) In this section, **Court** means—

S. 189(3)(a)
amended by
No. 68/2008
s. 75(4).

(a) in the case of a person who was made the subject of an order referred to in subsection (1) or (1AA)—

(i) in Victoria, the court which made the order; or

S. 189(3)(a)(ii)
amended by
No. 53/2016
s. 101.

(ii) in another State or a Territory or in New Zealand, the Supreme Court; and

(b) in the case of a person to whom subsection (1A) applies—

(i) if a Victorian court found the person guilty, that court; or

S. 189(3)(b)(ii)
amended by
No. 27/2018
s. 359(5)(a).

(ii) if a court in another State or a Territory found the person guilty, the Supreme Court;

S. 189(3)(c)
inserted by
No. 27/2018
s. 359(5)(b).

(c) in the case of a person to whom subsection(1B) applies, the court that made the supervision order or the interim supervision order.

S. 189(4)
inserted by
No. 52/2008
s. 248(3).

(4) In the case of an application under subsection (1), the Court cannot hear the application until any appeal under the **Family Violence Protection**

Act 2008 in relation to the final order has been determined.

- (5) In the case of an application under subsection (1AA), the Court cannot hear the application until any appeal under the **Personal Safety Intervention Orders Act 2010** in relation to the final order has been determined.

S. 189(5) inserted by No. 68/2008 s. 75(5) (as amended by No. 20/2011 s. 8), amended by No. 53/2010 s. 221(Sch. item 5.3).

- (6) In the case of an application under subsection (1B), the Court cannot hear the application until any appeal under the **Serious Offenders Act 2018** in relation to the supervision order or the interim supervision order (as the case requires) has been determined.

S. 189(6) inserted by No. 27/2018 s. 359(6).

189A Indictable offences

Offences against sections 5(1), (1A) and (2), 6(3), (4), (5) and (6), 6A(1), (2), (3) and (4), 7(1), (2), (3), (4), (5) and (6), 7A(1) and (6), 7B(1) and (2), 7C, 36(3), 45(5), 53(1), 59(2), 59A(1), (2), (3), (4), (5) and (6), 83, 93(3), 94(3), 95(2), (2A), (3) and (4) 96(2), (2A), (3) and (4) 99(3), 100(3), 101A(1), 101B(2) and (3), 102(2A), (3) and (3A), 112B, 112C(1) and (2), 112P(1) and (2), 115(1), 116(1), 121(3), 121(3A), 122(2), 123(3), 126(3), 127(2A) and (3), 127A(1), 129A, 130(1), (1A), and (1B), 131A(1) and (2), 132(2), 134(1), (2) and (3), 134C, 135(3), 136, 137, 138, 140A(1), (2) and (3) are indictable offences.

S. 189A inserted by No. 26/1997 s. 33, amended by Nos 28/2003 s. 69, 78/2005 s. 60, 50/2007 s. 51, 44/2015 s. 8, 2/2018 s. 34.

190 Supreme Court—Limitation of jurisdiction

- (1) It is the intention of section 183 to alter or vary section 85 of the **Constitution Act 1975**.

S. 190 amended by No. 28/2003 s. 70 (ILA s. 39B(1)).

S. 190(2)
inserted by
No. 28/2003
s. 70.

- (2) It is the intention of section 183, as amended by section 67 of the **Firearms (Trafficking and Handgun Control) Act 2003**, to alter or vary section 85 of the **Constitution Act 1975**.

191 Regulations

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act, including but not limited to the following matters—

S. 191(1)(a)
amended by
No. 22/1998
s. 43(Sch.
item 15).

- (a) the acquisition and possession of cartridge ammunition or classes of cartridge ammunition, including—

S. 191(1)(a)(i)
amended by
No. 22/1998
s. 43(Sch.
item 15).

- (i) specifying amounts of cartridge ammunition that may be acquired by persons or classes of persons; and

S. 191(1)(a)(ii)
amended by
No. 22/1998
s. 43(Sch.
item 15).

- (ii) specifying amounts of cartridge ammunition that may be possessed by persons or classes of persons;

- (b) any devices which are not to fall within the definition of firearms;

- (c) classes of firearms that fall within the definitions of category D or E longarms;

S. 191(1)(ca)
inserted by
No. 28/2003
s. 71.

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

- (d) classes of persons that fall within the definition of prohibited person;

- (e) reasons for which persons may need licences to possess, carry or use category B longarms or handguns;
- (f) reasons for which the Chief Commissioner must not issue licences under the Act;
- (g) fees for any application or for the issue or renewal of any licence or permit or the giving of any approval made under the Act;
- (h) fees which may be charged by firearms dealers when acting as agents;
- (i) fees for applications to the Committee to review decisions of the Chief Commissioner;
- (j) forms for the purposes of the Act;
- (k) particulars to be included in applications, forms, notices, registers or other documents under the Act;
- (l) grounds for the cancellation of licences under the Act;
- (m) particulars which must be kept on the firearms register or any other document or by any other person or class or persons;
- (n) grounds upon which licences, permits or other approvals may be varied;
- (o) grounds upon which renewals of licences, permits or other approvals may be refused;
- (p) items for which permits to possess, carry or use are required;
- (q) grounds for refusing to issue permits;
- (qa) the manner in which searches are to be conducted;

S. 191(1)(qa)
inserted by
No. 9/2003
s. 14.

S. 191(1)(qb)
inserted by
No. 9/2003
s. 14.

- (qb) particulars to be included in records of searches;
 - (r) the procedure of the Committee, whether sitting as a whole or in Divisions;
 - (s) offences in respect of which infringement notices may be issued.
- (2) Regulations made under this Act—
- (a) may be of general or limited application;
 - (b) may differ according to differences in time place or circumstances; and
 - (c) may confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons or bodies; and
 - (d) may impose a penalty not exceeding 5 penalty units for a contravention of the regulations; and
 - (e) may make provision for—
 - (i) a scale of fees according to the nature of the licence, permit or approval provided; or
 - (ii) the reduction, waiver or refund in whole or in part of the fees.
- (3) If, under subsection (2)(e), regulations provide for a reduction, waiver or refund in whole or in part of a fee, the reduction, waiver or refund may be expressed to apply either generally or specifically—
- (a) in respect of certain matters or transactions or classes of matters or transactions;
 - (b) in respect of certain documents or classes of documents;

- (c) when an event happens;
- (d) in respect of certain persons or classes of persons; or
- (e) in respect of any combination of such matters, transactions, documents, events or persons—

and may be expressed to apply subject to specified conditions or in the discretion of any specified person or body.

Part 12—Transitional provisions

192 Definitions

In this Part—

new Committee means the Firearms Appeals Committee established under this Act;

old Act means the **Firearms Act 1958** as in force immediately before the commencement of section 177 of this Act;

old Committee means the Firearms Consultative Committee established under the old Act.

193 Repeal of Firearms Act 1958

The **Firearms Act 1958** is repealed.

194 References

In—

- (a) an Act; or
- (b) a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**;
- (c) any document whatever—

in relation to any period occurring on or after the commencement of this section and, unless inconsistent with the context or subject matter, a reference to the **Firearms Act 1958** must be taken to be a reference to the **Firearms Act 1996**.

195 Licences authorities permits and schemes

(1) On and from the coming into operation of this section—

(a) an authority which—

- (i) is given by the Registrar under section 32(1) of the old Act for a firearm which is a category C longarm for the purposes of this Act; and
- (ii) is in force immediately before the commencement of this Act; and
- (iii) is not held by the holder of a gun dealer's licence within the meaning of the old Act—

is deemed to—

- (iv) be a longarms licence for a category C longarm and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
- (v) continue in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the authority would have expired, if the old Act had continued to apply to it;

(b) an authority which—

- (i) is given by the Registrar under section 32(1) of the old Act for a firearm which is a category D longarm for the purposes of this Act; and
- (ii) is in force immediately before the commencement of this Act; and

- (iii) is not held by the holder of a gun dealer's licence within the meaning of the old Act—

is deemed to—

- (iv) be a longarms licence for a category D longarm and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (v) continue in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the authority would have expired, if the old Act had continued to apply to it;
- (c) a shooter's licence within the meaning of the old Act for a firearm which is a category A longarm for the purposes of this Act and which is in force immediately before the commencement of this Act—
- (i) is deemed to be a longarms licence for a category A longarm and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it;
- (d) a shooter's licence within the meaning of the old Act for a firearm which is a category B longarm for the purposes of this Act and which is in force immediately before the commencement of this Act—

- (i) is deemed to be a longarms licence for a category B longarm and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it;
- (e) a pistol licence, within the meaning of the old Act in force immediately before the commencement of this Act—
 - (i) is deemed to be a handgun licence and except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with a provision of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it.
- (f) a pistol collector's licence, within the meaning of the old Act in force immediately before the commencement of this Act—
 - (i) is deemed to be a firearms collectors licence and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, for a period of 2 years;

- (g) a gun dealer's licence, within the meaning of the old Act in force immediately before the commencement of this Act—
 - (i) is deemed to be a dealers licence with authority to deal in category A and B longarms and handguns and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it;
- (h) an authority which—
 - (i) is given by the Registrar under section 32(1) of the old Act for a firearm which is a category C longarm for the purposes of this Act; and
 - (ii) is in force immediately before the commencement of this Act; and
 - (iii) is held by the holder of a gun dealer's licence within the meaning of the old Act—
is deemed to—
 - (iv) be a dealers licence with authority to deal in category C longarms and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and

- (v) continue in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the authority would have expired, if the old Act had continued to apply to it;
- (i) an authority which—
 - (i) is given by the Registrar under section 32(1) of the old Act for a firearm which is a category D longarm for the purposes of this Act; and
 - (ii) is in force immediately before the commencement of this Act; and
 - (iii) is held by the holder of a gun dealer's licence within the meaning of the old Act—is deemed to—
 - (iv) be a dealers licence with authority to deal in category D longarms and, except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (v) continue in force, unless sooner suspended or cancelled in accordance with the provisions of this Act, until the date on which the authority would have expired, if the old Act had continued to apply to it;
- (j) a display licence, within the meaning of the old Act in force immediately before the commencement of this Act—
 - (i) is deemed to be a firearms collectors licence and, except as is otherwise provided for in this paragraph, the

provisions of this Act apply accordingly; and

- (ii) continues in force, unless sooner suspended or cancelled in accordance with a provision of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it;
- (k) a junior permit, within the meaning of the old Act in force immediately before the commencement of this Act—
 - (i) is deemed to be a junior licence except as is otherwise provided for in this paragraph, the provisions of this Act apply accordingly; and
 - (ii) continues in force, unless sooner suspended or cancelled in accordance with a provision of this Act, until the date on which the licence would have expired, if the old Act had continued to apply to it.
- (2) In the case of an authority, licence or permit issued under the old Act, which is deemed by subsection (1) to be a licence issued under Part 2 of this Act, the Chief Commissioner may refuse to renew the licence if the holder of the licence cannot demonstrate a reason for which that licence is required as set out in Part 2.
- (3) Despite the coming into operation of section 193 an authority issued by the Governor in Council under section 32(6) of the old Act and in force immediately before the commencement of this Act continues in force as if that Act had not been repealed, for a period of 12 months after the coming into operation of section 193.

S. 195(3)
amended by
No. 26/1997
s. 34.

- (4) A person who is, under subsection (1), deemed to be the holder of a longarms licence for category A or B longarms or a handgun licence and who is, upon the expiration of that licence under this section, applying for the renewal of the licence under this Act, the Chief Commissioner may impose a condition on the renewed licence as to the number of firearms that may be possessed under that licence if the person cannot demonstrate a need to possess some of the firearms possessed under the licence.

196 Right to apply to court under section 189 before commencement of part of Act

A person may apply to the Court (within the meaning of section 189) for a declaration under that section at any time after the commencement of that section, despite the fact that any other part of this Act has not commenced.

197 Appeals and rights to appeal

If—

- (a) an appeal before the old Committee under section 43 of the old Act has not been completed before the commencement of this Act the new Committee may proceed to determine the appeal as if it were an application for a review of a decision of the Chief Commissioner under this Act; or
- (b) a person, immediately before the commencement of this Act, had a right to appeal to the old Committee in respect of a decision of the Registrar under the old Act, this Act applies to that right as if it were a right to apply for review of a decision of the Chief Commissioner under this Act.

198 Sunset on licences and permits issued under repealed provisions

- (1) A farm permit issued and in force under section 22AB of the old Act as in force immediately before the commencement of section 12 of the **Firearms (Amendment) Act 1983** continues in force for a period of 12 months after the coming into operation of section 193.
- (2) A gun collectors licence issued and in force under section 4B of the old Act, as inserted by section 4 of the **Firearms (Amendment) Act 1966**, immediately before the repeal of that section continues in force for a period of 12 months after the coming into operation of section 193.

199 Declarations

- (1) Any right existing under a declaration made under section 4(1)(f) of the old Act and in force immediately before the coming into operation of section 193, continues to exist as if that Act had not been repealed for a period of 12 months after the coming into operation of section 193.
- (2) Any right existing under a declaration made under section 4(2) of the old Act and in force immediately before the coming into operation of section 193, continues to exist as if that Act had not been repealed for a period of 12 months after the coming into operation of section 193.
- (3) Any right existing under a declaration made under section 3(1A) of the old Act and in force immediately before the coming into operation of section 193, continues to exist as if that Act had not been repealed for a period of 12 months after the coming into operation of section 193.

200 Prison officers

Any person who is a prison officer within the meaning of the **Corrections Act 1986** and who, within a period of 12 months after the coming into operation of section 193, has in his possession or carries or uses a firearm issued to him for the performance of a detailed duty and during the performance of the duty does not commit an offence against section 6 or 7 for so doing and is not required to hold a licence under this Part.

200A Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—dealers licences

S. 200A
inserted by
No. 28/2003
s. 72.

Despite the commencement of section 36 of the **Firearms (Trafficking and Handgun Control) Act 2003**, section 75A does not apply to a person who was, immediately before that commencement the holder of a dealers licence, until that person is required under this Act to renew that licence.

200B Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—handgun licences

S. 200B
inserted by
No. 28/2003
s. 72.

On and from the commencement of section 9 of the **Firearms (Trafficking and Handgun Control) Act 2003**, a licence issued under section 15, as in force before the commencement of section 9 of that Act, is deemed to be a licence issued under section 15, as in force on and from the commencement of section 9 of that Act.

200C Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—applications for handgun licences

S. 200C
inserted by
No. 28/2003
s. 72.

In the case of an application for a handgun licence in force immediately before the commencement of section 9 of the **Firearms (Trafficking and Handgun Control) Act 2003**—

- (a) subject to paragraph (b), section 15, as in force on and from that commencement, is deemed to apply to that application;
- (b) section 15(2)(b)(ii), as in force on and from that commencement, is deemed not to apply to that application.

S. 200D
inserted by
No. 28/2003
s. 72.

200D Transitional provision—Firearms (Trafficking and Handgun Control) Act 2003—firearms collectors licences

On and from the commencement of section 16 of the **Firearms (Trafficking and Handgun Control) Act 2003**, a licence, in force immediately before the commencement of that section, issued under section 21, as in force before the commencement of section 16 of that Act, is deemed to be a licence issued under section 21, as in force on and from the commencement of section 16 of that Act.

S. 201
amended by
No. 26/1997
s. 35(1),
repealed by
No. 29/2011
s. 3(Sch. 1
item 38.4).

* * * *

S. 202
amended by
Nos 26/1997
s. 35(2),
48/1997
s. 60(2) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 114)),
repealed by
No. 29/2011
s. 3(Sch. 1
item 38.4).

* * * *

* * * * *

Ss 203–208
repealed by
No. 29/2011
s. 3(Sch. 1
item 38.4).

S. 209
inserted by
No. 9/2003
s. 15.

209 Transitional provisions—Control of Weapons and Firearms Acts (Search Powers) Act 2003

- (1) Section 149 as in force immediately before the commencement of section 9 of the **Control of Weapons and Firearms Acts (Search Powers) Act 2003** continues to apply to searches conducted before that commencement.
- (2) Section 150 as in force immediately before the commencement of section 10 of the **Control of Weapons and Firearms Acts (Search Powers) Act 2003** continues to apply to demands made under section 150(1) before that commencement.
- (3) Section 153A(1) as in force immediately before the commencement of section 11(1) of the **Control of Weapons and Firearms Acts (Search Powers) Act 2003** continues to apply to searches conducted before that commencement.
- (4) Section 153A(2) as in force immediately before the commencement of section 11(2) of the **Control of Weapons and Firearms Acts (Search Powers) Act 2003** continues to apply to demands made under section 153A(2) before that commencement.

210 Transitional provision—handgun security guard licence

S. 210
inserted by
No. 78/2005
s. 66.

- (1) A handgun security guard licence in force immediately before the commencement of this section, is to be taken (on and from that commencement) not to authorise the possession, carriage or use of—
 - (a) a semi-automatic handgun with a calibre of more than 40 inch; or

S. 210(1)(c)
amended by
No. 50/2007
s. 52(1).

- (b) a revolver or single shot handgun with a calibre of more than ·38 inch; or
- (c) restricted ammunition for any handgun possessed, carried or used under the licence that is not restricted ammunition to which paragraph (a) of the definition of **restricted ammunition** applies, which is possessed, carried or used in the course of training as a security guard—

unless the holder of the licence has obtained an authority under this section.

- (2) A handgun security guard licence issued on or after the commencement of this section and before 1 July 2008 does not authorise the possession, carriage or use of—

- (a) a semi-automatic handgun with a calibre of more than ·40 inch; or
- (b) a revolver or single shot handgun with a calibre of more than ·38 inch; or
- (c) restricted ammunition for any handgun possessed, carried or used under the licence that is not restricted ammunition to which paragraph (a) of the definition of **restricted ammunition** applies, which is possessed, carried or used in the course of training as a security guard—

unless the holder of the licence has obtained an authority under this section.

- (3) The holder of a handgun security guard licence issued before 1 July 2008, may apply to the Chief Commissioner for an authority to possess, carry or use—

S. 210(2)(c)
amended by
No. 50/2007
s. 52(1).

- (a) a semi-automatic handgun with a calibre of more than .40 inch; or
 - (b) a revolver or single shot handgun with a calibre of more than .38 inch; or
 - (c) restricted ammunition for any handgun possessed, carried or used under the licence in the circumstances in which authority is required under subsection (1) or (2).
- (4) On application by a person under subsection (3), the Chief Commissioner may authorise the person to possess, carry or use—
- (a) a semi-automatic handgun with a calibre of more than .40 inch; or
 - (b) a revolver or single shot handgun with a calibre of more than .38 inch; or
 - (c) restricted ammunition for any handgun possessed, carried or used under the licence.
- (5) In granting an authorisation under this section, the Chief Commissioner may have regard to any matter the Commissioner considers relevant.
- (6) An authorisation under this section remains in force until 1 July 2008 or any earlier date specified by the Chief Commissioner in the authorisation and may not be renewed.
- (7) An application for an authorisation under this section must be in the form approved by the Chief Commissioner.
- (8) The Chief Commissioner may impose any conditions on an authorisation under this section that the Chief Commissioner thinks fit.

S. 210(3)(c)
amended by
No. 50/2007
s. 52(2).

S. 211
inserted by
No. 50/2007
s. 53.

211 Transitional provisions—Firearms Amendment Act 2007

- (1) The amendment made to this Act by section 7 of the **Firearms Amendment Act 2007** applies to any handgun licence that was in force immediately before the commencement of that section.
- (2) The amendments made to this Act by sections 5(b), 6(2)(b) and (c), 12 and 13 of the **Firearms Amendment Act 2007** apply to any application for a licence under Part 2 that was made, but not finally decided, before the commencement of that section.
- (3) The amendments made to this Act by section 14 of the **Firearms Amendment Act 2007** apply to a licence under Part 2 that was in force immediately before the commencement of that section.
- (4) The amendment made to this Act by section 28 of the **Firearms Amendment Act 2007** does not apply to applications made before the commencement of that section.
- (5) Subject to subsection (6), the amendments made to this Act by section 9, 10 or 11(1) of the **Firearms Amendment Act 2007** are not to be taken to affect a licence issued under section 21, 21A or 21B and in force immediately before the commencement of section 9, 10 or 11(1) of the **Firearms Amendment Act 2007** (as the case requires).
- (6) A licence issued under section 21B that authorises the possession or carriage of firearms that—
 - (a) were manufactured before 1 January 1900;
and
 - (b) that use percussion as a means of ignition;
and

- (c) that take cartridge ammunition that is commercially available—

and in force immediately before the commencement of section 3(1)(b) of the **Firearms Amendment Act 2007**, is to be taken to continue in force as if section 3(1)(b) had not been enacted, unless the licence sooner expires or is sooner cancelled or surrendered.

- (7) The amendments made—

- (a) to this Act by sections 51(a) and 51(b) of the **Firearms Amendment Act 2007**; and
(b) to Schedule 4 of the **Magistrates' Court Act 1989** by sections 59(1) and 59(2) of the **Firearms Amendment Act 2007**—

apply only to offences alleged to have been committed on or after the commencement of those sections.

- (8) For the purposes of subsection (7), if an offence is alleged to have been committed between two dates, one before and one after the commencement of sections 51(a), 51(b), 59(1) and 59(2) of the **Firearms Amendment Act 2007**, the offence is alleged to have been committed before the commencement of those sections.

212 Transitional provision—Justice Legislation Amendment Act 2008

S. 212
inserted by
No. 21/2008
s. 11.

A licence issued under section 9(3) for a person to possess, carry or use a registered category C longarm, being a tranquilliser gun, that was in force immediately before the commencement of section 10 of the **Justice Legislation Amendment Act 2008** continues to be in force on and after that commencement in accordance with its terms.

S. 213
inserted by
No. 52/2008
s. 249.

213 Transitional provisions—Family Violence Protection Act 2008

- (1) In this section—
***the 2008 Act* means the Family Violence Protection Act 2008.**
- (2) Despite the commencement of Part 16 of the 2008 Act, section 47A continues to apply in respect of a suspension under that section in force immediately before the commencement of that Part.
- (3) If, before the commencement of section 247 of the 2008 Act, firearms or cartridge ammunition were surrendered or seized under section 53 as a consequence of the making of an intervention order under the **Crimes (Family Violence) Act 1987** (as in force before that commencement), the person must dispose of the firearm or ammunition in accordance with section 53(4) within 3 months of the making of the order, as if the surrender or seizure had happened after the commencement of section 247.
- (4) If, before the commencement of Part 16 of the 2008 Act—
 - (a) a person had applied for a declaration under section 189(1); and
 - (b) that application had not been determined—section 189 as in force immediately before the commencement of Part 16 of the 2008 Act continues to apply to the determination of the application.
- (5) The amendments made to this Act by the 2008 Act do not affect any declaration made under section 189(1) before the commencement of Part 16 of the 2008 Act.

214 Transitional Provisions—Stalking Intervention Orders Act 2008

S. 214
(Heading)
amended by
No. 43/2012
s. 3(Sch.
item 18).
S. 214
inserted by
No. 68/2008
s. 76.

(1) In this section—

intervention order means an intervention order of a kind referred to in section 21A(5) of the **Crimes Act 1958**;

the 2008 Act means the **Stalking Intervention Orders Act 2008**.

(2) Despite the commencement of Part 8 of the 2008 Act, section 47A continues to apply in respect of a suspension under that section in force immediately before the commencement of that Part.

(3) If, before the commencement of section 74 of the 2008 Act, firearms or cartridge ammunition were surrendered or seized under section 53 as a consequence of the making of an intervention order under the **Crimes (Family Violence) Act 1987**, the person must dispose of the firearm or ammunition in accordance with section 53(4) within 3 months of the making of the order, as if the surrender or seizure had happened after the commencement of section 74.

(4) If, before the commencement of Part 8 of the 2008 Act—

(a) a person had applied for a declaration under section 189(1); and

(b) that application had not been determined—
section 189 as in force immediately before the commencement of Part 8 of the 2008 Act continues to apply to the determination of the application.

- (5) The amendments made to this Act by the 2008 Act do not affect any declaration made under section 189(1) before the commencement of Part 8 of the 2008 Act.

S. 215
inserted by
No. 52/2010
s. 25.

215 Transitional provision—Firearms and Other Acts Amendment Act 2010—interstate licence holders

- (1) This section applies if, immediately before the commencement of section 15 of the **Firearms and Other Acts Amendment Act 2010**, a person holds a licence under Part 2 and the person's ordinary place of residence is not in Victoria.
- (2) Despite section 46A, until the expiry of the licence, the person is not disqualified from holding the licence merely because the person's ordinary place of residence is not Victoria.

S. 216
inserted by
No. 52/2010
s. 25.

216 Transitional provision—Firearms and Other Acts Amendment Act 2010—imitation firearms

- (1) If, before the commencement of section (3)(1)(c) of the **Firearms and Other Acts Amendment Act 2010**, a licence was issued under Part 2 in respect of an imitation firearm and that licence is in force immediately before that commencement—
- (a) the licence remains in force after the commencement until the date the licence would otherwise have expired; and
- (b) while the licence remains in force and when acting in accordance with the licence, the holder of the licence is not liable for an offence under section 5 of the **Control of Weapons Act 1990** in respect of the weapon.
- (2) In this section, *imitation firearm* has the same meaning as in section 3(1) of the **Control of Weapons Act 1990**.

217 Transitional provision—Firearms Amendment Act 2018—trafficking

S. 217
inserted by
No. 2/2018
s. 35.

The amendments made to this Act by sections 7 and 21 of the **Firearms Amendment Act 2018** apply only to offences alleged to have been committed on or after the commencement of those sections.

218 Transitional provision—Firearms Amendment Act 2018—possession, carriage and use of firearms in certain places

S. 218
inserted by
No. 2/2018
s. 35.

- (1) The amendments made to this Act by section 25 of the **Firearms Amendment Act 2018** apply only to offences alleged to have been committed on or after the commencement of that section.
- (2) On the commencement of section 25 of the **Firearms Amendment Act 2018**, a permission of the Chief Commissioner—
 - (a) that was given under section 130(3), as in force before the commencement of section 25 of that Act; and
 - (b) that is in force immediately before the commencement of section 25 of that Act—

is taken to continue in force as if the permission had been given under section 130(3) as amended by section 25 of that Act.

219 Transitional provision—Firearms Amendment Act 2018—applications for licences

S. 219
inserted by
No. 2/2018
s. 35.

- (1) This Act as amended by sections 8 and 9 of the **Firearms Amendment Act 2018** applies to any application for a licence to which section 17 applies, whether that application was made before, on or after the commencement of those sections.

- (2) This Act as amended by sections 11 and 12 of the **Firearms Amendment Act 2018** applies to any application for renewal of a licence to which section 42 applies, whether the application was made before, on or after the commencement of those sections.

S. 220
inserted by
No. 2/2018
s. 35.

220 Transitional provision—Firearms Amendment Act 2018—suspended licences

Section 49 of this Act, as in force immediately before the commencement of section 13 of the **Firearms Amendment Act 2018**, applies in the case of any licence suspended under section 47 in respect of which a decision has not been made by the Chief Commissioner under section 49 before the commencement of section 13 of that Act.

S. 221
inserted by
No. 3/2019
s. 44.

221 Transitional provision—Justice Legislation Amendment (Police and Other Matters) Act 2019—lever action shotguns

- (1) On and after the commencement of section 38 of the **Justice Legislation Amendment (Police and Other Matters) Act 2019**—
- (a) a lever action shotgun with a magazine capacity of no more than 5 rounds held by a person under a category A longarm licence immediately before the commencement may continue to be held under the person's category A longarm licence (including any renewal of that licence) if that person does not hold a category B longarm licence; and
 - (b) a lever action shotgun with a magazine capacity of more than 5 rounds held by a person under a category A longarm licence immediately before the commencement—
 - (i) in the case of a person who does not hold a category B longarm or category D longarm licence, may continue to be

- held under the person's category A longarm licence (including any renewal of that licence); and
- (ii) in the case of a person who holds a category B longarm licence and does not hold a category D longarm licence, is to be held by the person under the category B longarm licence (including any renewal of that licence); and
- (c) if a person has a permit to acquire a lever action shotgun in force but has not yet acquired a lever action shotgun under the permit, the permit ceases to be in force, unless—
- (i) in the case of a lever action shotgun with a magazine capacity of no more than 5 rounds, the person holds a category B longarm licence; or
 - (ii) in the case of a lever action shotgun with a magazine capacity of more than 5 rounds, the person holds a category D longarm licence; and
- (d) a person referred to in section 185(1), (2) or (2A) who holds an interstate licence that authorises the possession, carriage or use of a lever action shotgun is authorised under that licence to possess, carry or use the shotgun for the purposes set out in those subsections.
- (2) If a permit to acquire ceases to be in force as a result of subsection (1)(c), section 112(1) applies as if a reference to the permit being surrendered or cancelled were a reference to the permit ceasing to be in force.

S. 222
inserted by
No. 3/2019
s. 44.

**222 Transitional provision—Justice Legislation
Amendment (Police and Other Matters) Act 2019—
trafficking**

The amendments made to this Act by sections 39 and 42 of the **Justice Legislation Amendment (Police and Other Matters) Act 2019** apply only to offences alleged to have been committed on or after the commencement of those sections.

Schedules

Schedule 1—General conditions for licences under Part 2

Sch. 1
amended by
Nos 50/2007
s. 54, 37/2014
s. 10(Sch.
item 63.17).

- 1 The holder of the licence must permit a police officer to inspect the holder's storage arrangements at any reasonable time.
- 2 The holder of the licence must not transfer, lend or give the licence to another person.
- 3 Any firearms held under the licence must not be used for any reason other than the reasons authorised by the licence.
- 4 The holder of the licence must notify the Chief Commissioner of any change to the reason for which the holder's licence was issued within 7 days of becoming aware of the change.

Schedule 2—Special conditions for licences under Part 2

1 Longarm licences for category A or B longarms

- (1) If the holder of a licence is authorised to hunt under the licence, the licence is subject to the condition that, before the holder enters any privately owned land for the purpose of hunting, the holder must obtain the permission of the owner or occupier of that land to hunt on the land.

Sch. 2
item 1(2)
amended by
No. 22/1998
s. 40(a).

- (2) If the holder of the licence has obtained the licence for the reason of hunting, sport or target shooting or primary production, the holder is also authorised to hunt pest animals on Crown land, if such hunting is in accordance with any Act, regulations or other instrument regulating hunting on that land.

This authorisation does not apply to the holder of a licence who has obtained that licence for the purposes of sport or target shooting if that person is using a black powder ball firing cannon.

- (3) The holder is authorised to carry or use a longarm, the carriage or use of which is authorised by the licence, on an approved shooting range.

Sch. 2
item 1(4)
amended by
No. 22/1998
s. 40(b).

- (4) If one of the reasons for the licence is sport or target shooting, the holder is authorised to hunt on privately owned land if, before entering that land for the purposes of hunting, the holder has obtained the permission of the owner or occupier of that land to hunt on the land.

This authorisation does not apply to the holder of a licence who has obtained that licence for the purposes of sport or target shooting if that person is using a black powder ball firing cannon.

(5) If one of the reasons for the licence is sport or target shooting, the holder must be a member of an approved club.

(5A) If one of the reasons for the licence is sport or target shooting, the holder must not engage in sport or target shooting except—

Sch. 2
item 1(5A)
inserted by
No. 22/1998
s. 40(c).

(a) at an approved shooting range; or

Sch. 2
item 1(5A)(a)
amended by
No. 50/2007
s. 55(1).

(b) on land owned by the holder, where the activity is being carried out in accordance with the regulations; or

(c) on land not owned by the holder, where the owner of the land has given permission for the carrying out of the activity and where the activity is being conducted in accordance with the regulations.

(6) If the licence is a longarm licence for category B longarms, the holder is authorised to use category A longarms for the reason for which the licence is issued.

(7) If the holder of the licence has obtained the licence for the reason of primary production, the holder is authorised to carry or use a longarm, the carriage or use of which is authorised by the licence, on the land of another primary producer, with the permission of the owner of the land.

Sch. 2
item 1(7)
inserted by
No. 22/1998
s. 40(d).

Sch. 2
item 1(8)
inserted by
No. 78/2005
s. 61(1).

(8) If the holder of the licence has obtained the licence for the reason of hunting or sport or target shooting, the licence is subject to the condition that the holder must not—

Sch. 2
item 1(8)(aa)
inserted by
No. 3/2019
s. 45.

(aa) possess, carry or use a detachable magazine with a capacity greater than 5 shots in combination with a lever action shotgun; or

(a) possess, carry or use a detachable magazine with a capacity greater than 10 shots in combination with a pump or lever action centre fire rifle; or

(b) possess, carry or use a detachable magazine with a capacity greater than 15 shots in combination with a bolt action centre fire rifle; or

(c) possess, carry or use a detachable magazine with a capacity greater than 15 shots in combination with a pump, lever or bolt action rimfire rifle—

unless the Chief Commissioner is satisfied that the holder should be able to possess, carry or use such a magazine in combination with such a firearm for the purposes of participating in an event approved by the Chief Commissioner.

2 Longarm licences for category C longarms

(1) If the holder of the licence is authorised to possess, carry or use firearms held under the licence for the purposes of primary production, the holder of the licence must not carry or use any firearm held under the licence except—

(a) on the property on which the business of primary production is carried out and for the purposes of the genuine need for which the licence was required; or

- (b) for the purposes of the suppression of pest animals—
 - (i) on another property on which primary production is carried out, if the activity is conducted in accordance with the regulations; or
 - (ii) on Crown land, if such hunting is in accordance with any Act, regulation or other instrument regulating hunting on that land.
- (2) If the holder of the licence is authorised to possess, carry or use a firearm for the purposes of clay target shooting—
 - (a) the holder of the licence must remain a member of a clay target shooting club or organisation approved by the Chief Commissioner for the period of the licence; and
 - (b) in each calendar year, the holder must take part in at least 4 clay target shooting competitions conducted by clay target shooting clubs or organisations; and
 - (c) the holder must not use a firearm held under the licence for the purpose of engaging in clay target shooting except—
 - (i) at an approved shooting range; or
 - (ii) on land owned by the holder, where the activity is being carried out in accordance with the regulations; or
 - (iii) on land not owned by the holder, where the owner of the land has given permission for the carrying out of the activity and where the activity is being conducted in accordance with the regulations.

Sch. 2
item 2(2)(c)
substituted by
No. 22/1998
s. 40(e).

Sch. 2
item 2(3)
inserted by
No. 26/1997
s. 36(1).

- (3) If the holder of the licence is authorised to possess a firearm for carriage and use by the holder of a junior licence for the purpose of clay target shooting—
- (a) the holder of the licence must remain a member of a clay target shooting club or organisation approved by the Chief Commissioner for the period of the licence; and
 - (b) the person who carries and uses the firearm must remain the holder of a junior licence and a member of a clay target shooting club for the period of the licence.

Sch. 2 item 3
(Heading)
inserted by
No. 28/2003
s. 73(1)(a).

3 Handgun licences for general category handguns

Sch. 2
item 3(1)
amended by
No. 28/2003
s. 73(1)(b).

- (1) If the holder of a licence is authorised to carry or use the firearm for the purposes of the occupation of security guard or prison guard, the holder is also authorised to carry or use a general category handgun, the carriage or use of which is authorised under the licence to practise at an approved shooting range.
- (2) If the holder is an approved club, the firearms held under the licence—

Sch. 2
item 3(2)(a)
amended by
Nos 22/1998
s. 40(f),
28/2003
s. 73(1)(c).

- (a) must not be carried by any person other than the nominated person or an officer of the club who is the holder of a handgun licence for general category handguns; and
- (b) must not be used by any person other than a member of an approved club and at an approved shooting range.

- (3) Item 3(2)(b) does not apply to a person to whom item 4 or 5A of Schedule 3 applies, if the person is carrying or using a general category handgun owned by an approved handgun target shooting club that is located at the approved shooting range at which the instruction is taking place.

Sch. 2
item 3(3)
inserted by
No. 78/2005
s. 61(2).

**3A Handgun licences for general category handguns—
operators of private security businesses**

Sch. 2 item 3A
inserted by
No. 50/2007
s. 55(2).

If the holder of a licence is authorised to carry or use one or more firearms for the purposes of operating a private security business, that holder must ensure that each firearm is registered to the holder's name.

4 Junior licences

- (1) If the holder of the licence—

Sch. 2
item 4(1)
substituted by
No. 26/1997
s. 36(2).

- (a) is authorised to carry or use a category A or B longarm, the holder must not carry or use such a longarm except under the immediate supervision of a person who is the holder of a longarm licence for category A or B longarms;
- (b) is authorised to carry or use a category C longarm, the holder must not carry or use such a longarm except under the immediate supervision of a person who is the holder of a longarm licence for category C longarms which authorises the possession, carriage and use of category C longarms for the purposes of clay target shooting;
- (c) is authorised to carry or use a general category handgun, the holder must not carry or use such a handgun except under the immediate supervision of a person who is the holder of a handgun licence.

Sch. 2
item 4(1)(c)
amended by
No. 28/2003
s. 73(2)(a).

Sch. 2
item 4(2)
amended by
No. 28/2003
s. 73(2)(b).

- (2) The holder is authorised to carry or use a general category handgun, the carriage or use of which is authorised by the licence, on an approved shooting range.

Sch. 2
item 4(2A)
inserted by
No. 22/1998
s. 40(g).

- (2A) If the holder of the licence is authorised to carry or use a longarm under the licence, the holder must not carry or use the longarm for the purpose of receiving instruction in the use of the longarm for sport or target shooting except—
- (a) at an approved shooting range; or
 - (b) on land owned by the holder where the activity is being carried out in accordance with the regulations; or
 - (c) on land not owned by the holder, where the owner of the land has given permission for the carrying out of the activity and where the activity is being conducted in accordance with the regulations.

Sch. 2
item 4(2B)
inserted by
No. 22/1998
s. 40(g).

- (2B) If the holder of the licence is authorised to carry or use a longarm under the licence, the holder must not carry or use the longarm for the purpose of engaging in sport or target shooting competitions except at an approved shooting range.

Sch. 2
item 4(3)
amended by
No. 22/1998
s. 43(Sch.
item 16(a)).

- (3) The holder is not authorised to purchase cartridge ammunition.

5 Firearms collectors licences

- (1) The holder of the licence must not possess or carry any types of firearms under the licence which are not consistent with the theme of the licence.
- (2) The firearms kept under the licence must be kept at the premises specified in the licence.

- (3) The firearms kept under the licence may be carried only for the purposes of acquisition, disposal or repair.
- (4) The holder of the licence must remain a member of an organisation of firearms collectors approved by the Chief Commissioner for the period of the licence.
- (5) Any category E firearms in the collection must be rendered permanently inoperable.
- (6) Any category D firearms kept in the collection must be rendered permanently inoperable as follows—
 - (a) in the case of firearms with fixed firing pins, the pin must be ground flush with the face of the bolt, in any other case, the pin must be removed completely; and
 - (b) in the case of firearms with a firing pin hole, the hole must be filled from the front end with weld; and
 - (c) the barrel must be rendered inoperative by—
 - (i) welding a steel insert into the chamber end to prevent chambering a round; or
 - (ii) drilling a hole vertically through the chamber and welding a substantial pin in place to prevent chambering a round; and
 - (d) immobilising the firing mechanism by welding the trigger and internal components.
- (7) Any firearms kept in the collection which are not category D firearms must be immediately rendered incapable of use by—
 - (a) the removal of the bolt or firing pin; or
 - (b) if that is not possible, by the application of an appropriate trigger lock or barrel lock.

Firearms Act 1996
No. 66 of 1996
Schedule 2—Special conditions for licences under Part 2

Sch. 2
item 5(9)
amended by
No. 28/2003
s. 73(3)(a).

- (8) Any bolt or firing pin that is removed must be stored in a separate locked container from that in which the firearm is stored.
- (9) Any handgun or category C, D or E longarm for the collection must not be acquired except from—
- (a) a licensed firearms dealer; or
 - (b) the holder of a firearms collectors licence and through the agency of a licensed firearms dealer.

Sch. 2
item 5(10)
amended by
No. 28/2003
s. 73(3)(b).

- (10) Any handgun or category C, D or E longarm in the collection must not be disposed of except to—
- (a) the holder of a collector's licence, through the agency of a licensed firearms dealer; or
 - (b) to a police officer for disposal; or

Sch. 2
item 5(10)(b)
amended by
No. 37/2014
s. 10(Sch.
item 63.18).

- (c) to a museum to which an exemption has been granted under Part 11.

Sch. 2
item 5(11)
amended by
No. 37/2014
s. 10(Sch.
item 63.18).

- (11) The holder of the licence or any person at the premises specified in the licence must produce and allow inspection of the register kept under section 24 when so requested by any police officer.

Sch. 2
item 5(12)
inserted by
No. 78/2005
s. 61(3),
amended by
No. 50/2007
s. 55(3).

- (12) Items 5(7) and (8) do not apply to an antique handgun collectors licence.

Sch. 2
item 5(13)
inserted by
No. 78/2005
s. 61(3).

- (13) The holder of an antique handgun collectors licence must take all reasonable measures to ensure the secure storage of the firearms while in carriage for the purposes of display or on display.

6 Firearms heirlooms licences

- (1) The licence applies only to the firearm or firearms specified in the licence.
- (2) The firearms kept under the licence must be kept at the premises specified in the licence.
- (3) Any of the firearms kept under the licence may be carried only for the purposes of acquisition, disposal or repair.
- (4) The firearms kept under the licence must not be used.
- (5) The firearms kept under the licence must be rendered permanently inoperable as follows—
 - (a) in the case of firearms with fixed firing pins, the pin must be ground flush with the face of the bolt, in any other case, the pin must be removed completely; and
 - (b) in the case of firearms with a firing pin hole, the hole must be filled from the front end with weld; and
 - (c) the barrel must be rendered inoperative by—
 - (i) welding a steel insert into the chamber end to prevent chambering a round; or
 - (ii) drilling a hole vertically through the chamber and welding a substantial pin in place to prevent chambering a round; and
 - (d) immobilising the firing mechanism by welding the trigger and internal components; and

Sch. 2
item 6(6)(c)
amended by
No. 37/2014
s. 10(Sch.
item 63.18).

- (6) The firearms kept under the licence must not be acquired or disposed of except—
 - (a) through inheritance; or
 - (b) to the holder of a firearms collectors licence, through the agency of a licensed firearms dealer; or
 - (c) a police officer for disposal; or
 - (d) to a museum to which an exemption has been granted under Part 11.

Sch. 2
item 6(7)
amended by
No. 22/1998
s. 43(Sch.
item 16(b)).

- (7) The holder of the licence must not keep any cartridge ammunition for the firearms kept under the licence.

7 Firearms ammunition collectors licences

- (1) The ammunition must be kept at the premises specified in the licence.
- (2) The holder of the licence must remain a member of the organisation of collectors approved by the Chief Commissioner for the period of the licence.
- (3) All ammunition in the collection must—
 - (a) be rendered inert except for all sporting ammunition and military ammunition of UN hazard classification code 1.4s up to 20mm calibre; and
 - (b) must not contain high explosive smoke or chemical or lachrymatory agents.

Firearms Act 1996
No. 66 of 1996
Schedule 2—Special conditions for licences under Part 2

(4) Any ammunition kept in the collection must not be disposed of except—

(a) to another person who is the holder of a firearms ammunition collectors licence; or

Sch. 2
item 7(4)(a)
amended by
No. 22/1998
s. 40(h)(i).

(b) to a licensed firearms dealer; or

Sch. 2
item 7(4)(b)
amended by
No. 22/1998
s. 40(h)(ii).

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

Sch. 2
item 7(4)(c)
inserted by
No. 22/1998
s. 40(h)(ii).

Schedule 3—Non-prohibited persons who are exempt from requirement to hold a licence under Part 2

Sch. 3
amended by
Nos 84/1997
s. 47, 22/1998
s. 41, 28/2003
s. 74, 78/2005
s. 62, 34/2008
s. 143(Sch. 2
item 7.2),
55/2009 s. 21,
12/2012 s. 12,
82/2012 s. 99,
37/2014
s. 10(Sch.
item 63.19),
20/2015 s. 58,
2/2018 s. 36,
20/2019 s. 172.

Schedule 3—Non-prohibited persons who are exempt from requirement to hold a licence under Part 2

<i>Item No.</i>	<i>Column 1 Persons</i>	<i>Column 2 Circumstances</i>
1	A person serving as a member of the naval, military or air forces of the Commonwealth of Australia.	When possessing, carrying or using a firearm while on duty or when carrying a firearm while going to or from duty.
2	Any police officer, recruit, officer or Victoria Police employee or protective services officer.	When possessing, carrying or using a firearm for their official duties when authorised to do so by the Chief Commissioner.
3	Any member of the police force or police service of the Commonwealth or any other State or a Territory of the Commonwealth.	When possessing, carrying or using a firearm issued to him or her for the performance of a detailed duty.
3A	Any person acting under a contract with the Chief Commissioner.	When possessing or carrying a firearm for his or her official duties when so authorised by the Chief Commissioner.
3B	Any holder of a general category handgun licence.	When carrying a general category handgun for the purposes of conducting a firearms safety training course.
	* *	* *
5	Any person who is of or over the age of 18 years who is receiving instruction in the use of a category A or category B firearm by or under the immediate supervision of the holder of a category A or category B longarm licence.	When carrying or using a longarm of the category specified in the supervisor's licence for the purposes of receiving the instruction at an approved shooting range.
	* *	* *

Firearms Act 1996

No. 66 of 1996

Schedule 3—Non-prohibited persons who are exempt from requirement to hold a licence under Part 2

<i>Item No.</i>	<i>Column 1 Persons</i>	<i>Column 2 Circumstances</i>
5B	Any person who is of or over the age of 12 years and under the age of 18 years, who is receiving instruction in the use of a category A or category B longarm by or under the immediate supervision of the holder of a category A or category B longarm licence and who has the written consent of their parent or guardian to do so.	When carrying or using a longarm at an approved shooting range.
5C	Any person.	When possessing or carrying a firearm in the course of his or her duties as a supervisor, competition judge or range officer at an approved shooting range.
6	Any person.	When using an airgun which is not a paintball marker and which is securely attached to the bench for the purpose of shooting at a target at a shooting gallery or other place of amusement.
6A	A non-prohibited person who is of or over the age of 16 years.	When using or carrying a paintball marker for the purpose of and when engaging in activities that require the use of paintball markers at a location approved by the Chief Commissioner.
7	Any commercial carrier or warehouseman.	When possessing for the purposes of storage or carrying a firearm in the ordinary course of his or her business as a carrier or warehouseman.
8	Any member of a cadet corps established or recognised by or under any Commonwealth Act relating to defence.	When carrying a category A or B longarm or using such a longarm under immediate supervision at an approved range.

Firearms Act 1996

No. 66 of 1996

Schedule 3—Non-prohibited persons who are exempt from requirement to hold a licence under Part 2

<i>Item No.</i>	<i>Column 1 Persons</i>	<i>Column 2 Circumstances</i>
9	Any person on any ship or aircraft which normally operates outside Australia.	When the firearm is part of the usual equipment of the ship or aircraft and remains on board the ship or aircraft.
10	Any actor or person performing in a work for stage, television or film or in an historical re-enactment.	When carrying or using a firearm which is incapable of firing cartridge ammunition or which has been rendered permanently inoperable, or when carrying or using an operable firearm under the supervision of a licensed firearms dealer or his or her employee.
11	Any person.	When carrying or using a handgun, which is and has always been constructed for the purpose of starting sporting events, for the purpose of starting a sporting event.
12	Any person who is the holder of an inter-State permit to acquire a category A, B or C longarm or a general category handgun, who has acquired a firearm in accordance with this Act and who is the holder of a licence issued in the State or Territory in which the permit was issued which authorises the possession and carriage of the firearm.	When possessing or carrying the firearm for the purposes of returning to the State or Territory in which the permit was issued, when carrying the licence and when acting in accordance with the licence.
13	Any person who is the holder of an inter-State licence to possess, carry or use a firearm, and who is the holder of an inter-State permit to acquire a firearm of the category the possession, carriage or use of which is authorised by the licence, being a permit	When possessing or carrying a firearm the possession or carriage of which is authorised by the licence for the purposes of disposing of the firearm.

Firearms Act 1996

No. 66 of 1996

Schedule 3—Non-prohibited persons who are exempt from requirement to hold a licence under Part 2

<i>Item No.</i>	<i>Column 1 Persons</i>	<i>Column 2 Circumstances</i>
	in respect of which not more than 28 days have expired since its issue.	
14	A senior IBAC Officer.	When carrying out the purposes for which firearms may be possessed, carried and used, and as authorised under Part 5 of the Independent Broad-based Anti-corruption Commission Act 2011 .
16	Operational staff of Fire Rescue Victoria, officers or members of the Country Fire Authority and persons to whom section 30A(1) of the Country Fire Authority Act 1958 applies.	When using a device that has been designed solely for the purpose of igniting fires by the propulsion of incendiary pods in authorised back-burning or planned burning operations and while acting in the course of his or her duties.

Schedule 4—Storage requirements

1 Longarm licences for category A and B longarms

Sch. 4
item 1(1)
substituted by
No. 44/2021
s. 24(1).

- (1) The firearm must be stored in a purpose-built steel storage receptacle that—
 - (a) is of a thickness of at least 1·6 mm that complies with Australian/New Zealand Standard 1594:2002 (as amended from time to time); and
 - (b) if the receptacle weighs less than 150 kilograms when it is empty, must be bolted to the structure of the premises where the firearm is authorised to be kept; and
 - (c) is locked with a lock of sturdy construction when the firearm is stored in it.

Sch. 4
item 1(2)
substituted by
No. 50/2007
s. 56(1).

- (2) If more than 15 firearms are stored on the premises where the firearm is stored, the premises must be fitted with an intruder alarm system—
 - (a) the installation, maintenance and operation of which complies with Australian Standard 2201.1:2007 (as amended from time to time); and
 - (b) which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.

Sch. 4
item 1(3)
amended by
No. 22/1998
s. 43(Sch.
item 17(a)).

- (3) Any cartridge ammunition for the firearm must be stored in a locked container separate from the receptacle in which the firearm must be stored.

Sch. 4
item 1(4)
inserted by
No. 50/2007
s. 56(2).

- (4) Subject to section 121, a firearm that is possessed, carried or used by a holder of a handgun security guard licence who is employed as a security guard must be stored by the person who employs the holder of the licence as a security guard at

premises belonging to, or occupied by, the employer.

1A Paintball marker licences

Sch. 4 item 1A
inserted by
No. 2/2018
s. 37.

The requirements for storage of a paintball marker are the same as those for the storage of a category A or B longarm provided for in item 1 of this Schedule.

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

Sch. 4 item 2
(Heading)
inserted by
No. 28/2003
s. 75(1).

(1) The firearm must be stored in a purpose-built steel storage receptacle that—

Sch. 4
item 2(1)
amended by
No. 22/1998
s. 42(a),
substituted by
No. 44/2021
s. 24(2).

- (a) is of a thickness of at least 1·6 mm that complies with Australian/New Zealand Standard 1594:2002 (as amended from time to time); and
- (b) if the receptacle weighs less than 150 kilograms when it is empty, must be bolted to the structure of the premises where the firearm is authorised to be kept; and
- (c) is locked with a lock of sturdy construction when the firearm is stored in it.

(2) If more than 15 firearms are stored on the premises where the firearm is stored, the premises must be fitted with an intruder alarm system—

Sch. 4
item 2(2)
substituted by
No. 50/2007
s. 56(1).

- (a) the installation, maintenance and operation of which complies with Australian Standard 2201.1:2007 (as amended from time to time); and
- (b) which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.

Firearms Act 1996
No. 66 of 1996
Schedule 4—Storage requirements

Sch. 4
item 2(2A)
inserted by
No. 28/2003
s. 75(2),
amended by
No. 44/2021
s. 24(3).

(2A) The key to the receptacle in which the firearm is stored must—

(a) be carried by the holder of the licence; or

Sch. 4
item 2(2A)(b)
amended by
No. 44/2021
s. 24(3).

(b) be kept securely in a separate room from the receptacle—

when the receptacle is not being accessed.

Sch. 4
item 2(3)
amended by
Nos 22/1998
s. 43(Sch.
item 17(b)),
44/2021
s. 24(4).

(3) Any cartridge ammunition for the firearm must be stored in a locked container separate from the receptacle in which the firearm must be stored.

Sch. 4
item 2(4)
inserted by
No. 50/2007
s. 56(2).

(4) Subject to section 121, a firearm that is possessed, carried or used by a holder of a handgun security guard licence who is employed as a security guard must be stored by the person who employs the holder of the licence as a security guard at premises belonging to, or occupied by, the employer.

3 Firearms collectors licences

(1) The firearm must be stored—

(a) on premises or a part of premises which is a permanent building with secure locks on all openings; and

(b) in a room—

(i) the walls of which are solid enough to be a substantial physical barrier to entry; and

- (ii) any window of which is covered by security bars; and
- (iii) any door to which is—
 - (A) of a solid material, or is covered by steel sheet or reinforced by firmly fixed steel mesh; and
 - (B) fitted with a lock of the dead latch type or an extra hasp or barrel bolt and padlock which is of such a nature as to reduce the possibility of the door being sprung from the jamb; and
 - (C) hinged with concealed hinge pins or with hinge pins which are welded to prevent the pins being removed; and
- (c) in a container—
 - (i) which is made of steel or any other robust material; and
 - (ii) which must be firmly fixed to the wall or floor of the room; and
 - (iii) the doors of which are attached with concealed or welded hinges; and
 - (iv) which, when any firearm is stored in it, is locked with a lock which is so constructed as to prevent the doors of the container being easily sprung.
- (2) If—
 - (a) in the case of an antique handgun, more than 15 antique handguns are stored on the premises where the handgun is stored; or
 - (b) in any other case, more than 5 firearms are stored on the premises where the firearm is stored—

Sch. 4
item 3(2)
substituted by
Nos 28/2003
s. 75(3),
78/2005 s. 63,
amended by
No. 50/2007
s. 56(3).

the premises must be fitted with an intruder alarm system—

- (c) the installation, maintenance and operation of which complies with Australian Standard 2201.1:2007 (as amended from time to time); and
- (d) which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.

Sch. 4
item 3(2)(d)
amended by
No. 29/2011
s. 3(Sch. 1
item 38.3).

- (2A) The key to the container in which the firearm is stored must—
 - (a) be carried by the holder of the licence; or
 - (b) be kept securely in a separate room from the container—

when the container is not being accessed.

- (3) The firearm must not be removed from the container except by the holder of the licence.
- (4) Any bolt or firing pin which is required to be stored separately from the firearm it is a part of, must be stored in the same manner as is required for the storage of a firearm under a longarm licence for a category A or B longarm.

Sch. 4 item 3A
inserted by
No. 22/1998
s. 42(b).

3A Firearms collectors licences—section 122(1A)

The firearm must be stored in a receptacle—

- (a) which is constructed of hard wood or steel that is not easily penetrable; and
- (b) which, if it weighs less than 150 kilograms when it is empty, must be fixed to the frame of the floor or the wall of the premises where the firearm is kept in such a manner that it is not easily removable; and

- (c) which when any firearm is stored in it is locked with a lock of sturdy construction.

4 Firearms heirlooms licences

Sch. 4 item 4
amended by
No. 22/1998
s. 42(c)(i).

- (1) The firearm must be stored in a receptacle—
- (a) which is constructed of hard wood or steel that is not easily penetrable; and
 - (b) which, if it weighs less than 150 kilograms when it is empty, must be fixed to the frame of the floor or the wall of the premises where the firearm is kept in such a manner that it is not easily removable; and
 - (c) which, when any firearm is stored in it, is locked with a lock of sturdy construction.
- (2) Despite paragraph (1) of this item, the firearm may be displayed by being fixed to the wall of a room in a manner that makes it unable to be readily removed.

Sch. 4
item 4(2)
inserted by
No. 22/1998
s. 42(c)(ii).

5 Firearms ammunition collectors licences

The ammunition must be stored in a receptacle—

- (a) which is constructed of hard wood or steel that is not easily penetrable; and
 - (b) which, if it weighs less than 150 kilograms when it is empty, must be fixed to the frame of the floor or the wall of the premises where the ammunition is kept in such a manner that it is not easily removable; and
 - (c) which, when any ammunition is stored in it, is locked with a lock made of sturdy construction.
-

Sch. 4
item 5(b)
amended by
No. 26/1997
s. 37.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 31 October 1996

Legislative Council: 3 December 1996

The long title for the Bill for this Act was "to re-enact, with amendments, the **Firearms Act 1958** to make various consequential amendments to other Acts and for other purposes."

Constitution Act 1975:

Section 85(5) statement:

Legislative Assembly: 31 October 1996

Legislative Council: 3 December 1996

Absolute majorities:

Legislative Assembly: 19 and 21 November 1996

Legislative Council: 5 December 1996

The **Firearms Act 1996** was assented to on 17 December 1996 and came into operation as follows:

Sections 1, 2 on 17 December 1996: section 2(1); sections 3, 189 and 196 on 6 February 1997: Government Gazette 6 February 1997 page 257—see **Interpretation of Legislation Act 1984**; rest of Act (*except* sections 201(3), 202) on 29 April 1997: Government Gazette 24 April 1997 page 921; sections 201(3) and 202 on 31 January 1998: section 2(3).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Firearms Act 1996** by Acts and subordinate instruments.

Police and Corrections (Amendment) Act 1997, No. 26/1997

<i>Assent Date:</i>	20.5.97
<i>Commencement Date:</i>	Ss 26, 27, 35 on 17.12.96: s. 2(2); ss 17–25, 28–31, 34, 36, 37 on 22.5.97: Government Gazette 22.5.97 p. 1131; ss 32, 33 on 2.10.97: Government Gazette 2.10.97 p. 2731
<i>Current State:</i>	This information relates only to the provision/s amending the Firearms Act 1996

Sentencing and Other Acts (Amendment) Act 1997, No. 48/1997 (as amended by No. 74/2000)

<i>Assent Date:</i>	11.6.97
<i>Commencement Date:</i>	S. 60(2) on 1.9.97: s. 2(2)
<i>Current State:</i>	This information relates only to the provision/s amending the Firearms Act 1996

Law and Justice Legislation (Further Amendment) Act 1997, No. 84/1997

<i>Assent Date:</i>	2.12.97
<i>Commencement Date:</i>	Ss 41–47 on 2.12.97: s. 2(1)
<i>Current State:</i>	This information relates only to the provision/s amending the Firearms Act 1996

Firearms (Amendment) Act 1998, No. 22/1998

<i>Assent Date:</i>	5.5.98
<i>Commencement Date:</i>	Ss 1, 2 on 5.5.98: s. 2(1); ss 3–40(b), 40(d), 40(f), 40(h)–43, Sch. on 6.8.98: Government Gazette 9.7.98 p. 1852; s. 40(c), (e), (g) on 7.9.98: Government Gazette 3.9.98 p. 2342
<i>Current State:</i>	All of Act in operation

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

<i>Assent Date:</i>	26.5.98
<i>Commencement Date:</i>	S. 7(Sch. 1) on 1.7.98: s. 2(2)
<i>Current State:</i>	This information relates only to the provision/s amending the Firearms Act 1996

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998

<i>Assent Date:</i>	2.6.98
<i>Commencement Date:</i>	S. 311(Sch. 1 item 30) on 1.7.98: Government Gazette 18.6.98 p. 1512
<i>Current State:</i>	This information relates only to the provision/s amending the Firearms Act 1996

Firearms Act 1996
No. 66 of 1996
Endnotes

Police Regulation and Firearms (Amendment) Act 1999, No. 30/1999

Assent Date: 1.6.99
Commencement Date: Ss 30–32 on 22.8.99: Government Gazette 12.8.99 p. 1889
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Psychologists Registration Act 2000, No. 41/2000

Assent Date: 6.6.00
Commencement Date: S. 102(Sch. item 4) on 1.6.01: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 45) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Further Amendment (Relationships) Act 2001, No. 72/2001

Assent Date: 7.11.01
Commencement Date: S. 3(Sch. item 8) on 20.12.01: Government Gazette 20.12.01 p. 3127
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Control of Weapons and Firearms Acts (Search Powers) Act 2003, No. 9/2003

Assent Date: 6.5.03
Commencement Date: Ss 9–15 on 5.10.03: Government Gazette 2.10.03 p. 2538
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms (Trafficking and Handgun Control) Act 2003, No. 28/2003

Assent Date: 20.5.03
Commencement Date: Ss 3(1)(a)–(e)(h)(i), 4–9, 11–13, 15–17, 19–22, 29, 38–45, 46(1)(3), 47–49, 51, 52, 54, 56–63, 67–73 on 1.7.03: Special Gazette (No. 130) 1.7.03 p. 1; ss 3(1)(f)(g)(2), 10, 14, 18, 23–28, 30–37, 46(2), 50, 53, 55, 64, 65, 66, 74, 75 on 1.1.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms (Amendment) Act 2003, No. 107/2003

Assent Date: 9.12.03
Commencement Date: S. 8 on 10.12.03: s. 2(2); ss 3–7 on 1.1.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Private Security Act 2004, No. 33/2004

Assent Date: 1.6.04
Commencement Date: S. 207 on 1.7.05: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Act 1996
No. 66 of 1996
Endnotes

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 78) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005

Assent Date: 24.5.05
Commencement Date: S. 18(Sch. 1 item 43) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms (Further Amendment) Act 2005, No. 78/2005 (as amended by No. 50/2007)

Assent Date: 22.11.05
Commencement Date: Ss 3(1)(b), 6(4)(6)(7), 12(2)(b), 12(3)(b)(c), 19, 22, 23, 25, 26, 28, 30(2), 31, 32, 35–38, 45–47, 49–51, 55, 57, 58, 61(1)(2), 62(1)(2), 66 on 1.1.06: Government Gazette 22.12.05 p. 2972; ss 3(1)(a)(c)(d)(2), 4, 5, 6(1)(2)(3)(5), 7–10, 12(1)(2)(a)(3)(a)(4)(5)(6), 13, 14, 16–18, 20, 21, 24, 29, 30(1), 34, 39–44, 52, 53, 56, 60, 61(3), 62(3), 63 on 1.7.06: Government Gazette 29.6.06 p. 1315; ss 11, 15, 27, 33, 48, 59 on 1.10.06: s. 2(4); ss 64, 65 on 1.7.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Health Professions Registration Act 2005, No. 97/2005

Assent Date: 7.12.05
Commencement Date: S. 182(Sch. 4 item 20) on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Disability Act 2006, No. 23/2006

Assent Date: 16.5.06
Commencement Date: S. 238 on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law (Further Revision) Act 2006, No. 29/2006

Assent Date: 6.6.06
Commencement Date: S. 3(Sch. 1 item 11) on 7.6.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 20) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Act 1996
No. 66 of 1996
Endnotes

Children, Youth and Families (Consequential and Other Amendments) Act 2006, No. 48/2006

Assent Date: 15.8.06
Commencement Date: S. 42(Sch. item 14) on 23.4.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Corrections and Other Justice Legislation (Amendment) Act 2006, No. 49/2006

Assent Date: 15.8.06
Commencement Date: S. 22 on 16.8.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 39) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Revision Act 2007, No. 28/2007

Assent Date: 26.6.07
Commencement Date: S. 3(Sch. item 26) on 27.6.07: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Amendment Act 2007, No. 50/2007

Assent Date: 17.10.07
Commencement Date: Ss 3(1)(a)(c)–(g)(2), 4–8, 12, 14–19, 25–27, 30, 32–35, 40–53, 55 on 30.6.08: Government Gazette 26.6.08 p. 1388; ss 3(1)(b)(3), 9–11, 13, 20–24, 28, 29, 31, 36–39, 54, 56 on 1.9.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Relationships Act 2008, No. 12/2008

Assent Date: 15.4.08
Commencement Date: S. 73(1)(Sch. 1 item 23) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Justice Legislation Amendment Act 2008, No. 21/2008

Assent Date: 2.6.08
Commencement Date: Ss 7, 9–12 on 3.6.08: s. 2(1); s. 8 on 30.6.08: s. 2(3)(b)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Police Integrity Act 2008, No. 34/2008

Assent Date: 1.7.08
Commencement Date: S. 143(Sch. 2 item 7) on 5.12.08: Special Gazette (No. 340) 4.12.08 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Act 1996
No. 66 of 1996
Endnotes

Family Violence Protection Act, No. 52/2008

Assent Date: 23.9.08
Commencement Date: Ss 245–249 on 8.12.08: Special Gazette (No. 339) 4.12.08 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Stalking Intervention Orders Act 2008, No. 68/2008 (as amended by No. 20/2011)

Assent Date: 18.11.08
Commencement Date: Ss 70–76 on 8.12.08: Special Gazette (No. 339) 4.12.08 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Justice Legislation Amendment Act 2009, No. 25/2009

Assent Date: 17.6.09
Commencement Date: Ss 8–11 on 3.9.09: Government Gazette 3.9.09 p. 2331
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Justice Legislation Further Amendment Act 2009, No. 55/2009

Assent Date: 22.9.09
Commencement Date: Ss 15–21 on 30.10.09: Government Gazette 29.10.09 p. 2729
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Amendment (Evidence Consequential Provisions) Act 2009, No. 69/2009

Assent Date: 24.11.09
Commencement Date: S. 54(Sch. Pt 2 item 21) on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Amendment (National Health Practitioner Regulation) Act 2010, No. 13/2010

Assent Date: 30.3.10
Commencement Date: S. 51(Sch. item 23) on 1.7.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms and Other Acts Amendment Act 2010, No. 52/2010

Assent Date: 7.9.10
Commencement Date: Ss 3(1)(b)(d), 4, 17, 19, 21, 23 on 1.11.10: Government Gazette 28.10.10 p. 2583; ss 3(1)(a)(c)(2), 5–16, 18, 20, 22, 24, 25 on 1.7.11: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Act 1996
No. 66 of 1996
Endnotes

Personal Safety Intervention Orders Act 2010, No. 53/2010

Assent Date: 7.9.10
Commencement Date: S. 221(Sch. item 5) on 5.9.11: Special Gazette (No. 271) 23.8.11 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Education and Training Reform Amendment (School Safety) Act 2011, No. 11/2011

Assent Date: 10.5.11
Commencement Date: S. 7 on 1.1.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 38) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Sentencing Amendment (Community Correction Reform) Act 2011, No. 65/2011
(as amended by No. 43/2012)

Assent Date: 22.11.11
Commencement Date: S. 107(Sch. item 6) on 16.1.12: Special Gazette (No. 423) 21.12.11 p. 3
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Control of Weapons and Firearms Acts Amendment Act 2012, No. 12/2012

Assent Date: 20.3.12
Commencement Date: Ss 7–12 on 16.5.12: Special Gazette (No. 157) 15.5.12 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Associations Incorporation Reform Act 2012, No. 20/2012

Assent Date: 1.5.12
Commencement Date: S. 226(Sch. 5 item 13) on 26.11.12: Special Gazette (No. 384) 20.11.12 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Statute Law Revision Act 2012, No. 43/2012

Assent Date: 27.6.12
Commencement Date: S. 3(Sch. item 18) on 28.6.12: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Integrity and Accountability Legislation Amendment Act 2012, No. 82/2012

Assent Date: 18.12.12
Commencement Date: Ss 94–99, 288 on 10.2.13: Special Gazette (No. 32) 6.2.13 p. 2; s. 309 on 11.2.13: s. 2(5)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Act 1996
No. 66 of 1996
Endnotes

Legal Profession Uniform Law Application Act 2014, No. 17/2014

Assent Date: 25.3.14
Commencement Date: S. 160(Sch. 2 item 42) on 1.7.15: Special Gazette (No. 151) 16.6.15 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Mental Health Act 2014, No. 26/2014

Assent Date: 8.4.14
Commencement Date: S. 455(Sch. item 10) on 1.7.14: s. 2(1)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 63) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Criminal Organisations Control and Other Acts Amendment Act 2014, No. 55/2014

Assent Date: 26.8.14
Commencement Date: Ss 87–102 on 1.10.14: Special Gazette (No. 330) 23.9.14 p. 1; s. 147 on 31.10.14: Special Gazette (No. 330) 23.9.14 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Inquiries Act 2014, No. 67/2014

Assent Date: 23.9.14
Commencement Date: S. 147(Sch. 2 item 17) on 15.10.14: Special Gazette (No. 364) 14.10.14 p. 2
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Justice Legislation Amendment Act 2015, No. 20/2015

Assent Date: 16.6.15
Commencement Date: Ss 57, 58 on 1.9.15: Special Gazette (No. 236) 25.8.15 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Amendment (Trafficking and Other Measures) Act 2015, No. 44/2015

Assent Date: 22.9.15
Commencement Date: Ss 3–8 on 1.12.15: Special Gazette (No. 349) 18.11.15 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms Act 1996
No. 66 of 1996
Endnotes

National Domestic Violence Order Scheme Act 2016, No. 53/2016

Assent Date: 18.10.16
Commencement Date: Ss 96–101 on 25.11.17: Special Gazette (No. 388)
15.11.17 p. 1
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Victorian Fisheries Authority Act 2016, No. 68/2016

Assent Date: 15.11.16
Commencement Date: Ss 163, 164 on 1.7.17: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

**Family Violence Protection Amendment (Information Sharing) Act 2017,
No. 23/2017**

Assent Date: 14.6.17
Commencement Date: S. 38 on 26.2.18: Special Gazette (No. 40) 6.2.18 p. 1
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Firearms Amendment Act 2018, No. 2/2018

Assent Date: 13.2.18
Commencement Date: Ss 4–37 on 9.5.18: Special Gazette (No. 209) 8.5.18
p. 1
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Oaths and Affirmations Act 2018, No. 6/2018

Assent Date: 27.2.18
Commencement Date: S. 68(Sch. 2 item 53) on 1.3.19: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Serious Offenders Act 2018, No. 27/2018

Assent Date: 26.6.18
Commencement Date: S. 359 on 3.9.18: Special Gazette (No. 356) 31.7.18
p. 1
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Justice Legislation Amendment (Police and Other Matters) Act 2019, No. 3/2019

Assent Date: 13.3.19
Commencement Date: Ss 39, 42, 44, 46 on 5.6.19: Special Gazette (No. 215)
4.6.19 p. 1; ss 38, 40, 41, 43, 45 on 1.10.19: Special
Gazette (No. 386) 24.9.19 p. 1
Current State: This information relates only to the provision/s
amending the **Firearms Act 1996**

Firearms Act 1996
No. 66 of 1996
Endnotes

Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019, No. 20/2019

Assent Date: 2.7.19
Commencement Date: S. 172 on 1.7.20: Special Gazette (No. 328) 30.6.20 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Primary Industries Legislation Amendment Act 2019, No. 40/2019

Assent Date: 6.11.19
Commencement Date: S. 101 on 1.2.20: s. 2(2)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Local Government Act 2020, No. 9/2020

Assent Date: 24.3.20
Commencement Date: S. 390(Sch. 1 item 41) on 6.4.20: Special Gazette (No. 150) 24.3.20 p. 1
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

Firearms and Other Acts Amendment Act 2021, No. 44/2021

Assent Date: 26.10.21
Commencement Date: Ss 8–24 on 30.8.22: s. 2(3)
Current State: This information relates only to the provision/s amending the **Firearms Act 1996**

3 Explanatory details

No entries at date of publication.