

CONSULTATION PAPER

ANTIQUE FIREARMS

Introduction

It is recognised that antique firearms are often valuable heirlooms, passed down generations, or collected for their historical value.

Accordingly, the Government committed to the following amendments to the *Firearms Act 1996* with specific regard to antique firearms:

- There will be no licensing requirements, and no requirement to do a firearms safety course.
- Antique firearms manufactured prior to 1 January 1900 will only need to be registered with Tasmania Police.
- Owners will simply need to provide contact details, information about the type of firearm and where and how it is stored.
- There will be no requirement for engraving or stamping of the antique firearm.
- The process will be entirely free.
- If it is to be displayed, there will be display requirements including that the firearm must safely be secured in a rack or in a locked display cabinet that is fitted with glass or other material of sufficient strength to prevent theft.

In addition to the above changes, the Government is seeking comment on further questions for discussion.

FURTHER ANTIQUE FIREARM QUESTIONS

In addition to the above amendments, the Government is seeking comment in relation to the following three matters regarding antique firearms:

1. The requirement for an owner of an antique firearm to undergo a fit and proper person test in accordance with the Firearms Act 1996.

Existing fit and proper person test

To be granted a firearms licence in Tasmania, a person must be a fit and proper person. In evaluating this, the Commissioner of Police is to consider specific factors set out at [section 29 of the Firearms Act](#).

These factors include:

- the likelihood of the applicant using a firearm for an unlawful purpose or to cause harm,
- the mental and physical condition of the applicant, including their ability to exercise reasonable and responsible control over a firearm,
- any criminal activity of the person, and
- whether a person is subject to any court orders, such as a family violence order or restraint order.

The Commissioner of Police **cannot** grant a licence to a person who meets specific criteria, including any of the following:

- has been convicted of any crime involving violence to another person in the preceding five years or has ever been sentenced to imprisonment for a violent crime,
- has been convicted of aggravated assault, or carrying a firearm with a criminal intent,
- is a participant in an identified organisation, such as an Outlaw Motorcycle Gang,
- is subject to a firearms prohibition order, or any of the following that relate to injuring another person:
 - o a restraint order,
 - o an interim restraint order,
 - o a family violence order,
 - o an interim family violence order, or
 - o a police family violence order.

Further question

The Government is considering whether or not owners of antique firearms should meet the same fit and proper person test as required for general firearms licence applicants? This could also include whether there should be different requirements for antique firearms owners.

2. The need for tags to be attached to the antique firearm, and whether removal of a tag should be considered an offence.

The Government has committed to ensuring that an antique firearm will not need to be engraved or stamped with identifying information, in recognition that such a requirement may affect the historical and monetary value of the antiques. An antique firearm will only need to be registered with Tasmania Police.

Without engraving or stamping there is no mechanism for firearms dealers, collectors, or police officers to readily identify that an antique firearm has been registered with Tasmania Police.

Further question

The Government is considering whether an antique firearm should be fitted with a durable tag that does not require modification to the antique, such as affixed to the trigger guard or similar? This process would be free upon registration.

It is further proposed that removal, falsification, tampering or modification of this tag be made a finable offence.

3. Where an antique firearm is capable of being fired, the need for that firearm to be licensed appropriately under the *Firearms Act 1996*.

Many antique firearms are inoperable, however, that does not apply to every firearm that is manufactured prior to 1 January 1900. The intention of the proposed inclusion is to ensure that antique firearms that are reasonably capable of being fired are treated as an ordinary firearm under the *Firearms Act*.

Further question

The Government is considering whether an antique firearm should be treated as an ordinary firearm if it is breech-loaded and capable of discharging self-contained cartridge ammunition?

FEEDBACK

In asking these further questions, the purpose of this paper is to seek early stakeholder and community feedback to allow the proposals to be considered and refined, and to inform the drafting of legislation.

In providing feedback there is no requirement to respond to each of the further questions.

HOW TO MAKE A SUBMISSION

Submissions should be made in writing and must be received by close of business on 27 November 2024.

Email

Email your submission to strategy.support@dpfem.tas.gov.au

Post

Mail your submission to:

Strategy and Support

2/47 Liverpool Street

Hobart 7000

Publishing submissions

Submissions will be treated as public information and will be published on the Tasmania Police website.

Only an individual's name, or the organisation making a submission will be published.

More information around the Tasmanian Government's Public Submissions Policy [is available here](#).