

Firearms Amendment (Antique Firearms) Bill 2025

Questions and Answers

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What is the background to this Bill?

- The *Firearms Act 1996* (the Act) provides for the regulation, registration and control of firearms. The Act was introduced to enact the National Firearms Agreement following the tragic events which occurred at Port Arthur on 28 April 1996.
- Under the Act (s.155, Exemptions) the Commissioner, subject to any specified condition, may exempt a person or class of person from any provision of the Act relating to the possession or use of a firearm or ammunition.
- On 14 May 1997 a former Commissioner granted a General Exemption under Section 155 (4) of the Act. This exemption was known as Exemption No.4 and applied to:

‘persons possessing firearms manufactured before 1 January 1900 which are not designed to discharge cartridge ammunition or for which cartridge ammunition is not commercially available’.

- Exemption No.4 operated to exclude a category of firearms (pre-1900 firearms) from the licensing and registration regime under the Act, rather than a person or a class of persons being exempted.
- Following the receipt of legal advice, the current Commissioner determined to cancel Exemption No. 4.
- The key legal issue with Exemption No.4 was that it purported to apply to a ‘class of persons’ but instead it had the effect of exempting a class of firearm.
- As of 18 January 2024, Exemption No.4 under the Act has been cancelled. The exemption had allowed people to possess antique (pre-1900) firearms without the usual licencing, registration and storage requirements.
- Since the cancellation of Exemption No.4, community members and organisations have been able to seek a more specific exemption that does comply with Section 155 (4) of the Act. It is intended these exemptions will be short-term pending implementation of specific amendments to the Act that will facilitate the registration of antique firearms.

What is the Tasmanian Government commitment in relation to antique firearms?

- On 23 February 2024, during the state election, the Tasmanian Government committed to the policy ‘Supporting Tasmanians who own antique firearms’.
- This proposed change in legislation ensures that antique firearms owners are able to safely store their antique firearms while respecting the value that these antique pieces offer.
- The election commitment stated;

- There will be no licensing requirements, and no requirements to do a firearm 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 weapon;
- The process to register an antique firearm will be 100 per cent free; and
- 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.

How many firearms were exempt under Exemption No.4?

- Exemption No.4 operated to exclude antique firearms from certain provisions under the Act, including registration requirements. This means that these antiques have not previously been recorded Tasmania Police. Therefore, it is not possible to confirm the number of antique firearms in the community.
- From a community safety perspective, it is necessary to register antique firearms and require safe storage and display requirements to minimise the risks of these firearms coming into the possession of criminals or being misused.
- Many antique firearms do not fire, however they hold significant historical and financial value.

How many antique firearm owners have received exemptions since the cancellation of Exemption No.4?

- The last update from Tasmania Police Firearm Services (FAS) indicated that there are 329 individuals have received individual exemptions since the cancellation of Exemption No. 4, with a total of 1345 antique firearms owned by those people.

What will the Bill do?

- The Bill will introduce reforms to the *Firearms Act 1996* that will bring the management of antique firearms under the provisions of the Act.
- At the moment there are no provisions for registering a category of firearm known as an 'antique firearm'.
- The Bill will provide a scheme that supports the owners of antique firearms, and will also improve community safety because those firearms will be effectively managed and have safe storage and display requirements.

How is the Bill going to do that?

- The Bill proposes the creation of an antique firearm permit scheme, distinct from a firearms licence.
- Antique firearms will be registered against either an antique firearm permit or if the owner already has a firearms licence for another genuine reason, then the antique firearm can be registered against that existing firearms licence.
- The Bill creates a definition of an antique firearm in Section 3 of the Act.
- The Bill will insert a new Division into Part B titled 'Division 3 – Antique firearm permits'
- The Bill will insert into the new division sections 73B-73I which will provision the application for and administration of antique firearm permits. The new sections will allow a person with an antique firearms permit to possess a registered antique firearm.
- An antique firearm permit will only allow the possession of a registered antique firearm, it will not permit the firing of an antique firearm.
- If a person intends to fire an antique firearm, then they need to hold, or apply for a firearms licence of the appropriate category, and register the firearm for that category.

How will a person apply for an antique firearm permit?

- If a person does not have a firearms licence and they wish to obtain an antique firearms permit, they will apply through Firearms Services. If the permit is granted, then the antique firearms in their possession will be registered and recorded against the permit.

What firearms will be classed as an antique firearm?

- A new definition will be inserted into Section 3 of the *Firearms Act 1996* that will define an antique firearm as a firearm that:
 - Was manufactured before 1 January 1900; and
 - Is not designed to discharge, and is not capable of discharging, ammunition that –
 - Consists of a cartridge case fitted with a primer, whether or not it also contains a projectile or propelling charge; or
 - Is loaded in the breach end of the barrel of the firearm.

Does this mean that a firearm that was manufactured prior to 1 January 1900 but can load cartridge ammunition or is breach loaded won't be an antique firearm?

- Yes. This kind of firearm will not be able to be registered as an antique firearm because it can be loaded with cartridge ammunition or is breach loaded.
- To possess such a firearm a person will need to already hold, or apply for and be granted a firearms licence, and then register the firearm against that firearms licence.

Why the change in definition compared to Exemption No.4?

- In considering what should be an antique firearm, consideration has been given to public safety. A firearm that can be breach loaded can present more risk to the community, this kind of firearm should only be in possession of a person who has a firearms licence.

Will a firearm, like an old musket that can only be loaded from the muzzle with black powder be classed as an antique firearm?

- Yes, but only if it was manufactured prior to 1 January 1900.
- Further, if an owner wishes to fire the firearm, they will need to have a firearms licence and register the firearm against the appropriate category.

Will every antique firearm have to be registered?

Yes. This means antique firearms will be treated like other firearms, they must be registered and Firearms Services will keep records on who has the firearm and where it is securely stored.

If I don't have a firearms licence, or an antique firearms permit and I surrender an antique firearm to Tasmania Police will I be charged with an offence?

- No. You will not be charged with an offence. Section 109 of the *Firearms Act 1996* provides that a person who is not authorised to possess a firearm and surrenders the firearm is not committing an offence.
- Further, Section 129 of the *Firearms Act 1996* provides an amnesty to any person who surrenders a firearm, firearm part, sound suppressor, or ammunition to the Commissioner.
- This includes antique firearms.

- When a firearm is no longer wanted, and it is not being sold through a dealer, Tasmania Police prefer the firearm to be surrendered where it can be destroyed and not be at risk of falling into criminal possession.
- Firearms can be surrendered at any Police Station.
- Tasmania Police always advise calling ahead to plan for the surrender of a firearm.

If I apply for an antique firearm permit and I am deemed unsuitable, will I have to surrender an antique firearm in my possession?

- Yes. If a person possesses an antique firearm, and applies for an antique firearm permit, and is deemed unsuitable they will have to surrender the firearm.
- A person who surrenders a firearm will not be proceeded against for any offence.
- After a period of grace whilst the provisions are being implemented, if a person is found with an antique firearm, and they do not have a firearms licence or an antique firearm permit they will be committing an offence.

Who will be restricted from obtaining an antique firearm permit?

- Persons who currently or in the last 5 years have had issued against them any of the following orders will not be eligible to apply for an antique firearm permit:
 - A restraint order or interim restraint order.
 - A family violence order, interim family violence order or police family violence order.
 - A firearms prohibition order.
 - A recognised Domestic Violence Order within the meaning of the *Domestic Violence Orders (National Recognition) Act 2016*.
 - A serial family violence perpetrator within the meaning of the *Family Violence Act 2004*.

In the last 5 years I have been issued with one of the above disqualifying orders, but it was withdrawn, revoked, or dismissed by the court, can I apply for an antique firearms permit?

- Yes, as is currently the case if there has been an order but it was subsequently withdrawn, revoked, or dismissed by the Court, the Commissioner will have discretion to consider the application.

If I have an antique firearms permit, will I be allowed to purchase ammunition?

- You will not be able to purchase ammunition with an antique firearm permit.
- Only a firearms licence holder is allowed to purchase ammunition.

I have an antique firearm and I want to fire it – can I do that?

- If the firearm is registered as an antique firearm against an antique firearm permit then it will not be lawful to fire the firearm.
- The amendments contemplate a person who may wish to fire their antique firearm, which they can do by registering it against a firearms licence and registering the firearm under the relevant category.

If I have a firearms licence and possess an antique firearm, why don't I need to get an antique firearms permit?

- The intention is to make the process convenient for existing firearms licence holders, while ensuring there is oversight from Firearms Services for those seeking an antique firearms permit.
- If a person has a firearms licence for another genuine reason and they possess or seek to acquire an antique firearm, then the antique can be registered against a firearms licence. This will reduce administration by not requiring a person to have a firearms licence and an antique firearms permit.

What are the requirements for secure storage or secure display of an antique firearm?

- Once an antique firearm is registered against a permit or licence, there are storage and display requirements to prevent theft.
- If the firearm is to be displayed, it must be on a rack on a wall, or on a free standing rack onto which the firearm is locked, or;
- If the firearm is displayed in a display case then it must be locked and not easily penetrable.
- The rack or display case must be secured by at least four masonry fixing bolts or four coach screws into the wall or floor to prevent easy removal.
- The Commissioner may prescribe other safe keeping requirements.
- The Bill includes a 'for the avoidance of doubt' clause that when a firearm is not on display, the already existing storage requirements in the Act apply.

How will this Bill improve community safety?

- Excluding antique firearms is not consistent with the intent of the Act or the expectations of the Tasmanian community regarding firearms licencing, registration and storage provisions.
- The previous Exemption No.4 has been subject to misinterpretation, and some individuals have relied on the exemption to possess firearms that take

commercially available cartridge ammunition. This was never the intent of this exemption.

- Examples of where Exemption 4 has been misused;
 - A murder that occurred in 2015 where the offender used an 1887 Winchester lever action rifle, in calibre .44-40. The firearm was considered an antique due to the age. However the ammunition was commercially available and used in the murder. The offender did not hold a firearms licence, however believed the firearm was exempt under Exemption 4.
 - A Bonehill 12-gauge, double-barrelled shotgun, considered to be antique was used in a suicide in 2011, using commercially available 12-gauge ammunition. The firearm was sold by a dealer who believed that the firearm was exempt. The Coroner highlighted the concern that someone with a criminal history and significant mental health issues was able to obtain a firearm.
 - Whilst conducting a search of a home for a family violence offender in 2017, police located more than 15 unregistered firearms. The offender did not hold a firearms licence and argued they were exempt under Exemption 4. Most of the firearms were sold by a firearms dealer who was also of the belief that the firearms were exempt.
- Because the exemption was a “blanket exemption”, it was not possible for the Commissioner of Police to know the location of exempt firearms, meaning it is not known how many there are, and who has them, further exacerbating the community safety risk.
- The new process to administer (pre-1900) antique firearms will further help protect our community by ensuring that proper processes are in place regarding the registration, possession and storage of antique firearms.
- The antique firearms scheme will allow Tasmania Police to ensure an applicant meets essential requirements before they can lawfully possess an antique firearm.
- To ensure the proposed amendments can be enforced, provision is made in the Bill for 11 new summary offences and an amendment to an existing offence to accommodate antique firearms.

What are the requirements to be eligible for an antique firearm permit?

- The requirements to apply for an antique firearm permit include;
 - the need to ordinarily reside in Tasmania; and
 - Be an adult (18 or over); and
 - not currently or in the last 5 years be subject to any relevant court orders or declarations discussed earlier.

- There is a mechanism for the Commissioner of Police to refuse to grant an antique firearm permit, or register an antique firearm, if despite being eligible it would be contrary to public interest. This approach mirrors an existing provision for firearms licences and contemplates police intelligence reports or information held by police.
- Information such as a person being a safety risk or having criminal affiliations would inform the Commissioner's determination to not issue a permit.

Will I have to undergo a fit and proper person test for an antique firearm permit?

- No, there will be no fit and proper test for an antique firearms permit, however the previously mentioned restrictions will apply, including the ability of the Commissioner to refuse to grant a permit.

What details must be submitted with an application to register an antique firearm?

- An application for registration of an antique firearm must be in an approved form and lodged with the Commissioner of Police.
- Applications must include the applicant's name and address, and information about the type of antique firearm to be registered and where and how the firearm is to be stored.
- Prior to a permit being granted an inspection of storage will occur similar to what would occur for a firearms licence applicant.
- This process will be managed through Firearms Services.

If granted, what will be the duration of an antique firearm permit?

- The duration of an antique firearm permit continues in force until the permit is either cancelled, the holder of the permit dies, or the holder of the permit notifies the Commissioner they are surrendering the permit.

What obligation does an antique firearm permit holder have to notify the Commissioner of a change in personal particulars?

- The holder of an antique firearm permit must notify the Commissioner within 14 days of any change in particulars of the permit after the change occurs. This is consistent with a change in particulars for a firearm licence.

For what reasons can an antique firearm permit be cancelled?

- The Commissioner may cancel an antique firearm permit if;
 - another antique firearm permit would be refused; or

- if the holder of the antique firearm permit supplied information which was false or misleading; or
- the holder of the antique firearm permit contravenes a provision of the Act; or
- if the holder of the antique firearm permit fails to comply with any condition of the permit; or
- another reason prescribed by regulations.

If an antique firearm permit is cancelled and the nominated time period after the cancellation reason has passed, can a person apply for a new antique firearm permit?

- Yes.

After the initial program of registering existing antique firearms in the community has been undertaken, how will I then buy and sell antique firearms?

- When the Firearms Act 1996 commenced there was an extensive program of registering firearms already in the community – firearms were registered directly with Firearms Services.
- It is proposed to undertake the same process for registering existing antique firearms. Depending on the number of firearms in the community, this is likely to take some time.
- Following the initial program of registering existing antique firearms in the community, subsequent buying and selling of antique firearms will need to be undertaken through a firearms dealer in accordance with Sections 10, 11 and 25 of the Act.

I am a licenced firearms owner, however I have no interest in collecting or displaying antique firearms. Will the changes to the *Firearms Act 1996* affect me?

- No. There are no changes to requirements for firearms licence holders and owners of firearms other than with respect to antique firearms.
- This Bill is about bringing antique firearms that were previously exempt under Exemption No.4 under the administration of the *Firearms Act 1996*.

What are the changes to a firearm dealers licence?

- The Bill will broaden the scope of a firearm dealers licence to include antique firearms.

What are the offences being added or changed by the Bill?

- The below table identifies the new offences being added to the Act and the proposed penalties. Further, there is a proposed amendment to Section 110A 'Unlawful trafficking in firearms' to ensure that trafficking in antique firearms is captured in the crime.

Section	Offence	Maximum penalty
73H	New – failure to comply with antique firearm permit or permit condition	25 penalty units
73I	Failure to notify Tasmania Police of change in antique firearm permit particulars within 14 days	25 penalty units
87B	Failure to comply with the antique firearm display requirements	10 penalty units or imprisonment for 6 months, or both
99I	Sell, acquire, or possess an unregistered antique firearm.	50 penalty units or imprisonment for 2 years, or both
99L	Alter a certificate of registration for an antique firearm.	50 penalty units or imprisonment for 2 years, or both
99N	Failure to notify Tasmania Police of a change in antique firearm certificate of registration.	25 penalty units
99N	Firearms dealer failing to notify Tasmania Police of antique firearm sale.	50 penalty units
99O	Failure to comply with a request for information about antique firearms.	10 penalty units
99P	Failure to notify Tasmania Police of antique firearm loss or theft within 7 days.	50 penalty units
99P	Failure to produce antique firearm or antique firearm permit during police inspection.	50 penalty units
99P	Unlawful possession of antique firearm ammunition.	50 penalty units

When will the new laws be enforced?

- Tasmania Police cannot commence registering antique firearms and issuing the permits until the legislation commences.

- It is expected that on commencement of the legislation there will be an influx of applications to register antique firearms, applications for antique firearm permits and possibly applications for new firearms licences for those people in possession of firearms that would not be able to be possessed under an antique firearm permit (due to using chamber cartridge ammunition).
- While processing permits and licence applications, Tasmania Police will not prosecute relevant offences for a period of at least 6 months to allow antique firearm owners the opportunity to be onboarded to the new permit and licence arrangements.
- Tasmania Police will communicate with the community about the commencement of enforcement after there has been sufficient time to process applications from the holders of antique firearms already in the community.

Are there any expected additional costs to implement this Bill?

- There will be no cost to apply for an Antique Firearm Permit for simple possession, storage and display.
- If an individual wishes to use (fire) the antique firearm they will have to apply for a firearms licence under the category appropriate for the firearm and the normal fees and process will apply.

How will stakeholders know about the amendments?

- Consultation is between 26 February 2026 and 2 April 2026. The Bill will be published on the consultation page of the Tasmania Police website.
- Further, communications will be circulated to relevant stakeholders when the consultation opens.

When are the changes planned to commence?

- The changes to the Act are proposed to commence on proclamation.

What consultation has occurred for the Bill?

- A consultation paper was released on Wednesday 30 October and closed Wednesday 27 November 2024. The Consultation Paper outlined three proposals relating to antique firearms and asked stakeholders to provide feedback. 13 submissions were received.

How can I make a submission?

- Submissions are open from 26 February 2026 till 2 April 2026.
- We must receive all written submissions by 5pm on 2 April 2026.
- You can make a submission by:

EMAIL

submissions.strategy.support@DPFEM.tas.gov.au

POST

Submissions at Strategy and Support
Department of Police, Fire and Emergency Management
GPO Box 308
Hobart TAS 7001

In accordance with the Tasmanian government's public submissions policy, all submissions will be published on the Department of Police, Fire and Emergency Management website at <https://www.police.tas.gov.au/consultations/>

Parties making a submission may request that the submission is treated as confidential. Reasons are to accompany such a request. A copy of the public submissions policy is available at <https://www.dpac.tas.gov.au/>