

**Note:** This information sheet does not constitute legal advice and is for general information purposes only. Applicants and licensees are required to understand and comply with the *Firearms Act 1996* (“the Act”) and associated Regulations, which are available on the Tasmanian legislation website – [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au). This document was prepared in June 2024 based on the relevant legislation at that time.

### A firearms dealer is a person who, in carrying on a business, deals in firearms.

Firearms dealers have significant responsibility for the safe and effective management of firearms, firearm parts and ammunition. A firearms dealer licence authorises the holder (of the licence) to deal only in a firearm of a category specified in the licence at premises specified in the licence.

The Act provides that “deal”, in relation to a firearm, means to:

- a. manufacture, buy or sell firearms and firearm parts; or
- b. possess firearms and firearm parts for the purpose of sale, transfer, storage or testing; or
- c. possess firearm parts for the purpose of manufacturing firearms; or
- d. possess firearms and firearm parts for the purpose of repair in the ordinary course of business; or
- e. sell ammunition.

### Restriction on granting firearms dealer licences

The Act provides that the Commissioner (of Police) is prohibited from granting an application for a firearms dealer licence unless the Commissioner is satisfied that:

- a. the applicant will have primary responsibility for the management of the business proposed to be carried on under the licence; and
- b. the applicant’s close associates, if any, are fit and proper persons to be close associates of a firearms dealer.

### What is a “close associate” of a firearms dealer?

A person is taken to be a close associate of a firearms dealer, or applicant for a firearms dealer licence, if the person (either in his or her own right or on behalf of any other person):

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



### **Relevant financial interest in a business**

means an interest in the capital or assets of the business or an entitlement to receive, in any capacity, any income from the business.

**Relevant position in a business** means a position whose occupant participates in the management of the business.

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

### **Restrictions on purchase and sale of firearms**

A licensed firearms dealer must not purchase, acquire or take possession of a firearm from another person who is not a licensed firearms dealer unless that other person:

- is authorised by a licence to possess the firearm and the firearms dealer has seen the licence; or
- is the holder of a corresponding firearms dealer licence or is surrendering a firearm in accordance with the Act.

A licensed firearms dealer must not sell any firearm to any person unless that other person:

- is authorised by a permit to acquire the firearm and the firearms dealer has seen the permit; and
- is authorised by a licence to possess the firearm and the firearms dealer has seen the licence.

### **What documents are required to accompany an application for a firearms dealers licence?**

A statutory declaration stating:

- who is intended to have primary responsibility for the management of the business carried on under the licence applied for; and
- the name and address of each of the licensee's close associates and an explanation, in each case, the precise nature of their association with the applicant.

Firearms Services requests that a document with details of the business, or proposed business, is also provided, including the:

- name and address of the business;
- ABN / ACN;
- council approval documentation;
- business plan, including:
  - executive summary;
  - business / industry overview;
  - sales and marketing plan;
  - operating plan;
  - financial plan; and
  - security and storage arrangements.



#### **TASMANIA POLICE FIREARMS SERVICES**

Department of Police, Fire and Emergency Management

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Current as at July 2024

## Record of dealings

Firearms dealers are required by the Act to keep a record in an approved form of all dealings with firearms and firearm parts. A dealings record is required to contain the following particulars:

- the name and address of any other person involved in the dealing;
- the number of the other person's licence or permit authorising the person to possess the firearm or firearm part;
- the number of the other person's permit to acquire the firearm;
- for any firearm or firearm part in the possession of the firearms dealer;
  - the date of its purchase or receipt by the dealer; and
  - the date of its sale or transfer out of the possession of the dealer; and
  - the make, serial number, calibre, type, action and any magazine capacity; and
- any other prescribed particulars.

An entry in a dealings record is to be:

- numbered sequentially; and
- made within 24 hours after the dealing occurs; and
- kept for a period of 6 years.

The Act further provides that:

- A copy of an entry in a dealings record is to be sent to the Commissioner as and when required by the Commissioner.
- A dealings record may be in a printed, electronic or any other approved form.
- If required to do so by the Commissioner, a licensed firearms dealer must keep a record in an approved form of all of the dealer's dealings with ammunition.
- A licensed firearms dealer may only alter an entry in a dealings record by interlineation or striking out and not by erasure or obliteration.

Where a licensed firearms dealer acts as an agent in any dealing with a firearm or firearm part between licensees, a dealings record is to contain the following particulars regarding that dealing:

- the names and addresses of the licensees involved in the dealing;
- the numbers of the licences of the licensees or permits authorising the licensees to possess the firearm or firearm part;
- the numbers of the permits of the licensees to acquire the firearm;
- the date of receipt of the firearm or firearm part by the firearms dealer;
- the date of the sale and purchase of the firearm or firearm part; and
- the make, serial number, calibre, type, action and any magazine capacity of the firearm or firearm part.



## Police powers to enter, inspect and examine pursuant to the Act

A police officer, at any reasonable time, may:

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

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

- a. produce a dealings record to that officer; and
- b. permit that officer to inspect and make copies of any entries in it; and
- c. produce to that officer all firearms, firearm parts and ammunition in the dealer's possession; and
- d. provide that officer with any information in the dealer's possession relating to any firearm, firearm parts and ammunition:
  - i. that has been manufactured, purchased or received under the authority of the dealer's firearms dealer licence; or
  - ii. that is in the dealer's possession; or
  - iii. that the dealer has sold or otherwise transferred or repaired under the authority of the licence.

## Frequently asked questions (FAQ)

### **CAN FIREARMS DEALERS SHOOT WITH FIREARMS THEY POSSESS UNDER A DEALER'S LICENCE?**

Only to test them.

### **HOW ARE FIREARMS DEALERS REQUIRED TO STORE FIREARMS?**

See Information Sheet 33 Firearms Dealer Storage.

### **HOW LONG DOES A FIREARMS DEALER LICENCE LAST?**

Up to 3 years, as indicated on the licence card.



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