

TASMANIA

**FIREARMS AMENDMENT (ANTIQUE FIREARMS)
BILL 2025**

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**FIREARMS AMENDMENT (ANTIQUÉ FIREARMS)
BILL 2025**

*(Brought in by the Minister for Police, Fire and Emergency
Management, the Honourable Felix Ashton Ellis)*

A BILL FOR

An Act to amend the *Firearms Act 1996*

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

1. Short title

This Act may be cited as the *Firearms Amendment (Antique Firearms) Act 2025*.

2. Commencement

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

3. Principal Act

In this Act, the *Firearms Act 1996** is referred to as the Principal Act.

*No. 23 of 1996

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definitions after the definition of *ammunition*:

antique firearm means a firearm that –

- (a) was manufactured before 1 January 1900; and
- (b) is not designed to discharge, and is not capable of discharging, ammunition that –
 - (i) consists of a cartridge case fitted with a primer, whether or not it also contains a projectile or propelling charge; or
 - (ii) is loaded in the breech end of the barrel of the firearm;

antique firearm permit means a permit in force under Division 3 of Part 3;

- (b) by inserting “or section 99L” after “section 78” in the definition of *certificate of registration*;
- (c) by omitting “explosive” from paragraph (a) of the definition of *firearm* and substituting “explosive, regardless of when the gun or weapon was manufactured”;
- (d) by omitting “Part 4;” from the definition of *registrant* and substituting “Part 4 or 6B”.

5. Section 9 amended (Possession or use of firearms)

Section 9(1) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

- (ab) unless the firearm is an antique firearm registered under Part 6B and the person is the holder of an antique firearm permit in respect of that firearm; or

6. Section 10 amended (Acquiring firearms)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) A person must not acquire a firearm unless –

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- (a) the person is a licensed firearms dealer; or
- (b) the person is the holder of—
 - (i) a firearms licence of the category appropriate to that firearm; and
 - (ii) a permit in respect of that firearm; or
- (c) the firearm is an antique firearm registered under Part 6B and the person is the holder of an antique firearm permit in respect of that firearm.

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

(b) by inserting the following subsection after subsection (2):

- (3) A person is to apply for an antique firearm permit in accordance with Division 3 of Part 3.

7. Section 19 substituted

Section 19 of the Principal Act is repealed and the following section is substituted:

19. Firearms dealer licence

A firearms dealer licence authorises the holder to deal only in –

- (a) a firearm of a category specified in the licence at premises specified in the licence; and
- (b) antique firearms.

8. Section 19A amended (Firearms dealer employee licence)

Section 19A of the Principal Act is amended by inserting before paragraph (a) the following paragraph:

- (aa) antique firearms; and

9. Part 3, Division 3 inserted

After section 73A of the Principal Act, the following Division is inserted in Part 3:

Division 3 – Antique firearm permits

73B. Applications for antique firearm permits

- (1) A person may apply to the Commissioner for a permit to possess an antique firearm if the person –
- (a) ordinarily resides in Tasmania;
and
 - (b) has attained the age of 18 years;
and
 - (c) is not currently, and has not been at any time in the 5-year period immediately before lodging the application, subject to –
 - (i) a restraint order or interim restraint order; or
 - (ii) a family violence order, interim family violence order or police family violence order; or
 - (iii) a firearms prohibition order; or
 - (iv) a recognised DVO, within the meaning of the *Domestic Violence Orders (National Recognition) Act 2016*; and

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- (d) is not currently, and has not been at any time in the 5-year period immediately before lodging the application, a serial family violence perpetrator within the meaning of the *Family Violence Act 2004*.
- (2) An application under subsection (1) is to be in an approved form.
- (3) Despite subsection (1), the Commissioner may accept and determine an application made by a person to whom subsection (1)(c) or (d) applies if the Commissioner believes, on reasonable grounds, that –
 - (a) if an order referred to in subsection (1)(c) applies to the applicant –
 - (i) the order was withdrawn or revoked or otherwise dismissed by a court; and
 - (ii) it is appropriate in the circumstances for the Commissioner to consider the application; or
 - (b) if the applicant was a serial family violence perpetrator, within the meaning of the *Family Violence Act 2004* –

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- (i) the declaration of the applicant as a serial family violence perpetrator was discharged under that Act; and
- (ii) it is appropriate in the circumstances for the Commissioner to consider the application.

73C. Determination of application for antique firearm permits

After receiving an application under section 73B, the Commissioner –

- (a) may refuse to grant the application if, in the Commissioner's opinion after having regard to any intelligence report or other information held by police in respect of the applicant, it would be contrary to the public interest to grant the permit to the applicant; and
- (b) in any other circumstances, is to grant an application under section 73B for an antique firearm permit subject to any condition that the Commissioner considers appropriate.

73D. Authority of antique firearm permits

An antique firearm permit authorises the holder to possess an antique firearm registered under Part 6B.

73E. Form of antique firearm permits

- (1) An antique firearm permit is to –
 - (a) be in an approved form; and
 - (b) specify any condition to which it is subject; and
 - (c) contain any other prescribed matter.
- (2) It is a condition of an antique firearm permit that the holder of the permit must permit a police officer to inspect at any reasonable time the holder's arrangements for the storage and safekeeping of an antique firearm in the holder's possession.

73F. Cancellation of antique firearm permits

- (1) The Commissioner may cancel an antique firearm permit –
 - (a) if another antique firearm permit would be refused to the holder; or
 - (b) if the holder of the antique firearm permit supplied

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information which, to his or her knowledge, was false or misleading in connection with the application for the permit; or

- (c) if the holder of the antique firearm permit contravenes a provision of this Act, regardless of whether the holder has been convicted of an offence in respect of the contravention; or
 - (d) if the holder of the antique firearm permit fails to comply with any condition of the permit; or
 - (e) for any other prescribed reason.
- (2) The Commissioner is to cancel an antique firearm permit by serving, on the holder of the permit, a notice stating –
- (a) that the permit is cancelled; and
 - (b) the reasons for cancelling it.
- (3) The cancellation of an antique firearm permit takes effect on the date on which it is served.
- (4) If the Commissioner cancels an antique firearm permit, the Commissioner may cause –
- (a) the permit to be seized; and

- (b) any antique firearm in the possession of the holder of the permit to be seized.

73G. Duration of antique firearm permits

An antique firearm permit continues in force until whichever of the following first occurs:

- (a) the permit is cancelled under section 73F;
- (b) the holder of the permit –
 - (i) dies; or
 - (ii) by notice in writing to the Commissioner, surrenders the permit.

73H. Holder of antique firearm permit must comply with permit

The holder of an antique firearm permit must comply with the conditions of the permit.

Penalty: Fine not exceeding 25 penalty units.

73I. Change in particulars of permit

The holder of an antique firearm permit must notify the Commissioner of any change in any particulars specified in the

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permit within 14 days after the change occurs.

Penalty: Fine not exceeding 25 penalty units.

10. Section 74 amended (Unregistered firearms)

Section 74(2) of the Principal Act is amended by inserting after paragraph (ab) the following paragraph:

- (ac) an antique firearm that is registered under Part 6B; or

11. Section 87B inserted

After section 87A of the Principal Act, the following section is inserted in Part 5:

87B. Requirements for registered antique firearms

- (1) If an antique firearm is to be placed on display, the person in possession of the antique firearm must comply with each of the following requirements while the firearm is on display:

- (a) the firearm is to be displayed –

- (i) on a rack on a wall, or on a free-standing rack, onto which the firearm is locked; or

- (ii) in a display case that is locked and not easily penetrable;
- (b) the rack or display case referred to in paragraph (a) is to be fixed or secured –
 - (i) by means of at least 4 masonry fixing bolts, or coach screws, into a wall or the floor, so as to prevent easy removal of the rack or case; or
 - (ii) as otherwise prescribed;
- (c) the rack or display case referred to in paragraph (a) is to be made of materials of sufficient strength to prevent the theft of the firearm;
- (d) any other prescribed safekeeping requirement.

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

- (2) For the avoidance of doubt, section 84 applies to an antique firearm while the antique firearm is not on display.

12. Part 6B inserted

After section 99H of the Principal Act, the following Part is inserted:

PART 6B – ANTIQUE FIREARMS

99I. Antique firearm must be registered

A person must not sell, acquire or possess an antique firearm that is not registered under –

- (a) this Part; or
- (b) Part 4 or a law of another jurisdiction that is equivalent to Part 4.

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

99J. Application for registration of antique firearm

(1) A person may apply for an antique firearm to be registered under this Part.

(2) An application for the registration of an antique firearm –

- (a) is to –
 - (i) be in an approved form; and
 - (ii) lodged with the Commissioner; and

(b) must include –

- (i) the name and address of the applicant; and
 - (ii) information about the type of antique firearm to be registered including, but not limited to, the prescribed information; and
 - (iii) information about where and how the antique firearm is to be stored.
- (3) For the avoidance of doubt, nothing in this Part prevents a firearm manufactured before 1 January 1900 from being registered in accordance with Part 4.

99K. Restriction on registration of antique firearms

The Commissioner must not register an antique firearm under this Part unless –

- (a) the proposed registrant holds an antique firearm permit; and
- (b) the Commissioner is satisfied that it would not be contrary to the public interest to register the antique firearm.

99L. Effect of registration of antique firearm

- (1) If an antique firearm is registered under this Part, the Commissioner is to issue a certificate of registration, in respect of the antique firearm, to the registrant.
- (2) A person must not alter a certificate of registration issued under this section.

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

- (3) An antique firearm that is registered under this Part is to be recorded in the register compiled and maintained under section 83 as if the antique firearm were registered under Part 4.

99M. Duration of registration of antique firearm

- (1) The registration of an antique firearm under this Part is in force until whichever of the following first occurs:
 - (a) the registration of the firearm is cancelled under subsection (2);
 - (b) the firearm is registered under Part 4.
- (2) The Commissioner may, by notice in writing served on the registrant in respect of an antique firearm, cancel the registration of the antique firearm if –

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- (a) the registrant is no longer the holder of a licence or permit in respect of that firearm; or
 - (b) the registrant ceases to own the firearm; or
 - (c) the registrant made a false or misleading statement in connection with the application for registration under section 99J; or
 - (d) the registrant is convicted of an offence under this Act or a prescribed offence; or
 - (e) the registrant has requested the cancellation of the registration; or
 - (f) prescribed circumstances exist in respect of the firearm or the registrant.
- (3) If the registration of an antique firearm is cancelled under subsection (2) –
- (a) the person in whose name the antique firearm was registered must immediately surrender it to a police officer; and
 - (b) a police officer may seize the antique firearm.

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99N. Certain persons to provide information relating to antique firearms

- (1) A registrant in respect of an antique firearm must notify the Commissioner of the following information, if there is a change in any one or more of the following matters, within 7 days after the change:
- (a) if there is a change in the storage location for the firearm –
 - (i) the change in the location; and
 - (ii) details of the new storage location for the firearm;
 - (b) if there is a change in a particular specified in the certificate of registration issued under this Part in respect of the firearm, the new particulars.

Penalty: Fine not exceeding 25 penalty units.

- (2) If a firearms dealer sells an antique firearm, the firearms dealer must provide the Commissioner with the following matters within 14 days after the sale:
- (a) the name and contact details for –
 - (i) the former owner of the antique firearm; and

- (ii) the new owner of the antique firearm;
- (b) evidence, in an approved form, that the new owner is the holder of an antique firearm permit;
- (c) the changes in particulars specified in the certificate of registration, issued under this Part in respect of the firearm, as a result of the sale.

Penalty: Fine not exceeding 50 penalty units.

990. Information to be provided to police in relation to antique firearms

- (1) The registrant in respect of, or a person in possession of, an antique firearm must provide a police officer with information about the antique firearm if requested to do so by the officer.

Penalty: Fine not exceeding 10 penalty units.

- (2) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that –
 - (a) the defendant did not know, and could not reasonably be expected to have known, the information

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requested by the police officer;
and

- (b) the defendant provided all information, known to the defendant, as to who may know the information requested by the police officer.

99P. Offences relating to antique firearms

- (1) If an antique firearm registered under this Part, or a certificate of registration issued in respect of such a firearm, is lost or stolen, the registrant must notify the Commissioner with particulars of the loss, or theft, as soon as practicable but not later than 7 days after becoming aware of the loss or theft.

Penalty: Fine not exceeding 50 penalty units.

- (2) A registrant in relation to an antique firearm registered under this Part must –

- (a) produce the antique firearm; and
(b) produce the certificate of registration for the antique firearm –

for inspection at any reasonable time when requested to do so by a police officer.

Penalty: Fine not exceeding 50 penalty units.

- (3) A registrant in relation to an antique firearm registered under this Part must not be in possession of any ammunition for the firearm unless –
- (a) the registrant is the holder of a firearms licence under this Act or is otherwise in lawful possession of a firearm under this Act; and
 - (b) the ammunition is for use in the firearm which the registrant may lawfully possess under that licence or this Act.

Penalty: Fine not exceeding 50 penalty units.

13. Section 110A amended (Unlawful trafficking in firearms)

Section 110A(4) of the Principal Act is amended by inserting “or section 99I” after “section 74(1)” in the definition of *registrable firearms*.

14. Section 141 amended (Reviews)

Section 141 of the Principal Act is amended as follows:

- (a) by inserting the following paragraphs after paragraph (c) in subsection (1):

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- (ca) the refusal to grant an application under section 73B for an antique firearm permit; or
- (cb) the cancellation of an antique firearm permit under section 73F; or
- (b) by inserting the following paragraphs after paragraph (db) in subsection (1):
 - (dc) the refusal to register an antique firearm under Part 6B; or
 - (dd) the cancellation, under Part 6B, of the registration of an antique firearm; or
- (c) by inserting in subsection (4)(a) “or section 73C” after “section 29(3)(e)”.

15. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.