

TASMANIA

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**FIREARMS AMENDMENT (MISCELLANEOUS)  
BILL 2026**

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*Consultation draft*

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*(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* and the *Sentencing Act 1997***

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:

**PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Firearms Amendment (Miscellaneous) Act 2026*.

**2. Commencement**

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

**3. Repeal of Act**

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

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**PART 2 – FIREARMS ACT 1996 AMENDED**

**4. Principal Act**

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

**5. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition before the definition of *air pistol*:

***acquire*** includes to accept or receive supply of but does not include to borrow;

- (b) by omitting “pistol” second occurring from the definition of *air pistol* and substituting “handgun”;

- (c) by inserting the following definition after the definition of *approved firearms safety course*:

***approved range*** includes a range approved under this Act or a Commonwealth Act;

- (d) by inserting the following definitions after the definition of *barrel length*:

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***borrow***, in relation to an item, means to take possession, temporarily, of an item that is owned by another person;

***button or lever release firearm*** means a centre-fire firearm that –

- (a) has a self-ejecting mechanism to eject a cartridge case after the firearm has discharged; and
  - (b) requires the manual operation of a button, lever or other mechanism to rechamber a new cartridge following the self-ejection of the cartridge case; and
  - (c) uses the energy of the firearm discharge to perform all, or part, of the cycle of operation of the firearm;
- (e) by inserting the following definition after the definition of *corresponding*:

***cycle of operation***, in relation to a button or lever release firearm, means one or more of the following stages of operating the firearm:

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- (a) the automatic unlocking, extraction and ejection of a cartridge case after the firearm has discharged;
- (b) the cocking of the hammer or firing pin of the firearm;
- (c) the rearward locking, and subsequent forward movement, of the firearm's self-ejecting, lever, button or similar release mechanism that results in the feeding and locking of a cartridge;
- (f) by omitting “means” first occurring from the definition of *firearm* and substituting “includes”;
- (g) by omitting the definitions of *firearm part* and *firearm sound suppressor* and substituting the following definition:
  - firearm part*** means a barrel, breechblock, breech bolt, frame, operating mechanism, magazine, receiver, trigger mechanism or slide;
- (h) by inserting the following definitions after the definition of *genuine reason*:

***handgun*** means a firearm that –

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(a) is reasonably capable of being raised and fired by one hand; and

(b) has an overall length not exceeding 65cm;

***handgun shooting club*** means a shooting organisation that conducts or organises handgun shooting competitions;

(i) by inserting the following definition after the definition of *interim restraint order*:

***lend***, in relation to an item, means that the owner of the item gives possession, temporarily, of that item to another person;

(j) by omitting “firearm sound” from paragraph (a) of the definition of *manufacture*;

(k) by omitting “including, but not limited to, a barrel, slide, frame, receiver or bolt body” from paragraph (a) of the definition of *manufacture*;

(l) by inserting the following definition after the definition of *minor's permit*:

***nominated storage location***, in relation to a firearm held under a firearms licence, means a location notified to the Commissioner, as required under section 46(bb), in

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respect of the storage of the  
firearm;

- (m) by omitting the definition of *pistol*;
- (n) by omitting the definition of *prohibited pistol* and substituting the following definitions:

***prohibited handgun*** means a handgun prescribed as a prohibited handgun;

***range*** means premises used for sports or target shooting other than with a paintball firearm within the meaning of Part 6A;

***recognised DVO*** has the same meaning as in the *Domestic Violence Orders (National Recognition) Act 2016*;

- (o) by inserting the following definition after the definition of *restraint order*:

***rifle shooting club*** means a shooting organisation that conducts or organises rifle shooting competitions;

- (p) by inserting the following definitions after the definition of *sell*:

***straight pull action firearm*** means a centre-fire firearm –

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- (a) where the pull action of the firearm is cycled, using a linear motion on a handle, bolt or other part of the firearm; and
  - (b) that does not require any rotation of the handle, bolt or similar part of the firearm during the unlocking and locking of the firearm, such as in the cycling action of a traditional bolt action repeating firearm;

***suppressor*** means any implement designed to suppress the sound caused by the discharge of a firearm, whether or not the implement forms part of the firearm or can be attached to, or removed from, the firearm;

- (q) by omitting “fired.” from paragraph (b) of the definition of *use* and substituting “fired;”;
- (r) by inserting the following definition after the definition of *use*:

***verify***, in relation to a licence or permit, means –

- (a) to verify the licence or permit in the approved manner; and

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(b) to take all other reasonable steps to be satisfied –

(i) that the licence or permit is valid and in force; and

(ii) that the person relying on the licence or permit is the holder of that licence or permit.

**6. Section 9 amended (Possession or use of firearms)**

Section 9 of the Principal Act is amended as follows:

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

(ab) unless the person is the holder of a firearms licence, specified in Division 2 or 3, that authorises the holder to possess that firearm; or

(b) by omitting paragraph (a) from subsection (1A) and substituting the following paragraph:

(a) that is a firearm in relation to which a licence or permit may be

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issued, without being the holder of –

- (i) a firearms licence of the appropriate category as specified in Division 2 in respect of that firearm; or
- (ii) a licence under Division 3 in respect of that firearm; or

**7. Section 11 amended (Dealing in firearms)**

Section 11(3) of the Principal Act is amended as follows:

- (a) by omitting “manually”;
- (b) by inserting the following paragraph after paragraph (a):
  - (ab) a licence under Division 3 that authorises the person to be in possession of that firearm; or

**8. Section 14 amended (Category A firearms licence)**

Section 14 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) A Category A firearms licence applies to any –
  - (a) air rifle that –

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- (i) has a magazine capacity of no more than 10 rounds; and
  - (ii) is not self-loading; and
- (b) rim-fire rifle that –
  - (i) has a detachable firearms magazine with a capacity of no more than 10 rounds; and
  - (ii) is not self-loading; and
- (c) shotgun that –
  - (i) has a magazine capacity of no more than 5 rounds; and
  - (ii) is not a self-loading, pump action or lever action shotgun; and
  - (iii) is not a straight pull action firearm or a button or lever release firearm; and
- (d) shotgun and rim-fire rifle combination that –
  - (i) does not have a magazine; or
  - (ii) has a magazine capacity of no more than 5 rounds.

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**9. Section 15 amended (Category B firearms licence)**

Section 15(1) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) centre-fire rifle that –
  - (i) has a detachable firearms magazine with a capacity of no more than 10 rounds; and
  - (ii) is not self-loading; and
  - (iii) is not a straight pull action firearm or a button or lever release firearm; and

**10. Section 16 amended (Category C firearms licence)**

Section 16 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “ammunition.” and substituting “ammunition; and”;
- (b) by inserting the following paragraphs after paragraph (c) in subsection (1):
  - (d) straight pull action firearm; and
  - (e) button or lever release firearm.
- (c) by omitting from subsection (2) “one firearm referred to in subsection (1)(a) and one firearm referred to in subsection

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(1)(b) or (c)” and substituting “one firearm referred to in subsection (1)(a), one firearm referred to in subsection (1)(b) or (c) and one firearm referred to in subsection (1)(d) or (e)”.

**11. Section 18 amended (Category H firearms licence)**

Section 18 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “pistol” and substituting “handgun”;
- (b) by omitting from subsection (2) “pistol” and substituting “handgun”;
- (c) by omitting from subsection (3)(a) “pistol” and substituting “handgun”;
- (d) by omitting from subsection (3)(b) “pistol” and substituting “handgun”;
- (e) by omitting from subsection (3)(d) “pistol” and substituting “handgun”;
- (f) by omitting from subsection (3)(e) “pistol” and substituting “handgun”;
- (g) by omitting from subsection (4) “pistol” and substituting “handgun”;
- (h) by omitting from subsection (4) “pistols” and substituting “handguns”;
- (i) by omitting from subsection (5)(a) “pistol” and substituting “handgun”;

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- (j) by omitting from subsection (5)(b) “pistol” and substituting “handgun”.

**12. Section 19A amended (Firearms dealer employee licence)**

Section 19A of the Principal Act is amended as follows:

- (a) by omitting “to handle manually”;
- (b) by omitting paragraphs (a) and (b) and substituting the following paragraphs:
  - (a) to handle firearms of a category specified in the firearms dealer licence; and
  - (b) to purchase, acquire, take possession of or sell firearms of a category specified in the firearms dealer licence if that licensed firearms dealer –
    - (i) is absent from those premises; and
    - (ii) has authorised the employee to act on the licensed firearms dealer’s behalf in that absence; and
  - (c) to handle ammunition for such firearms; and

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- (d) to verify licences and permits, and other prescribed documents or items, as required under this Act.

**13. Section 25 substituted**

Section 25 of the Principal Act is repealed and the following section is substituted:

**25. Purchase and sale**

- (1) A licensed firearms dealer, or the holder of a firearms dealer employee licence, (the *purchaser*) must not purchase, acquire or take possession of a firearm from another person unless that other person (the *seller*) –
  - (a) is authorised by a licence to possess the firearm and the purchaser has seen, and verified, that licence; or
  - (b) is a licensed firearms dealer and the purchaser has seen, and verified, the firearms dealer licence of the seller; or
  - (c) is the holder of a corresponding firearms dealer licence and the purchaser has seen, and verified, that corresponding licence; or

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- (d) is surrendering a firearm to the purchaser in accordance with section 109(1).

Penalty: Fine not exceeding 100 penalty units.

- (2) A licensed firearms dealer, or the holder of a firearms dealer employee licence, (the *seller*) must not sell any firearm to any person (the *purchaser*) unless the purchaser –

- (a) is authorised by a permit to acquire the firearm and the seller has seen, and verified, the permit; and

- (b) is authorised by a licence to possess the firearm and the seller has seen, and verified, the licence.

Penalty: Fine not exceeding 100 penalty units.

- (3) If the holder of a firearms dealer employee licence purchases, acquires, takes possession of or sells a firearm in the course of the employee's employment with a licensed firearms dealer –

- (a) in the case of the purchase, acquisition or possession of the firearm by the employee, that licensed firearms dealer is also

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taken, for the purposes of subsection (1), to have purchased, acquired or taken possession of that firearm; and

- (b) in the case of the sale of the firearm by the employee, that licensed firearms dealer is also taken, for the purposes of subsection (2), to have sold that firearm.

- (4) The holder of a licence may sell a firearm to, or purchase a firearm from, another holder of a licence through the agency of a licensed firearms dealer.

**14. Section 28 amended (Applications for licences)**

Section 28 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “person.” and substituting “person; and”;
- (b) by inserting the following paragraphs after paragraph (b) in subsection (1):
  - (c) a person who is, or is about to be, a resident of Tasmania; and
  - (d) either –
    - (i) an Australian citizen; or
    - (ii) a New Zealand citizen who is a permanent

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resident of Australia and  
whose genuine reason for  
holding a licence is –

- (A) primary  
production; or
- (B) animal population  
control; or
- (C) animal welfare; or
- (D) business or  
employment; or
- (E) another genuine  
reason prescribed  
for the purposes of  
this subparagraph.

- (c) by omitting from subsection (2)(b) “in accordance with the requirements under the *Financial Transactions Reports Act 1988* of the Commonwealth that apply in respect of the opening of a bank account” and substituting “in an approved form”;
- (d) by omitting from subsection (2)(ca) “pistol” twice occurring and substituting “handgun”;
- (e) by inserting the following subsection after subsection (2):

- (3) The Commissioner may exempt an applicant for a licence from a requirement of subsection (1)(c)

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or (d), or both, if the Commissioner is satisfied that it is reasonable in the circumstances for the requirement not to apply to the applicant.

**15. Section 29 amended (General restrictions on granting licence)**

Section 29 of the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (b) in subsection (1):

(ba) is –

(i) an Australian citizen; or

(ii) a New Zealand citizen –

(A) who is a permanent resident of Australia; and

(B) whose genuine reason for holding the licence is a reason specified in section 28(1)(d)(ii); and

(b) by inserting the following subsection after subsection (1):

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- (1A) The Commissioner may grant an application for a licence even if the applicant does not meet the requirements of subsection (1)(ba) if the Commissioner is satisfied that it is reasonable in the circumstances for that paragraph not to apply to the applicant.
- (c) by inserting in subsection (2)(f) “recognised DVO,” after “interim restraint order,”;
- (d) by inserting the following subparagraph after subparagraph (ii) in subsection (3)(d):
- (ia) a recognised DVO;
- (e) by omitting from subsection (3)(e) “criminal intelligence report or other criminal information” and substituting “intelligence report or other information”;
- (f) by omitting from subsection (3A) “subsection (3)(e)” and substituting “subsection (1A) or (3)(e)”.

**16. Section 36A amended (Renewal of licences)**

Section 36A of the Principal Act is amended by inserting after subsection (2) the following subsections:

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- (3) A licence holder may only make an application for the renewal of a licence under this section if the licence holder –
- (a) is –
    - (i) an Australian citizen; or
    - (ii) a New Zealand citizen –
      - (A) who is a permanent resident of Australia; and
      - (B) whose genuine reason for holding the licence is a reason specified in section 28(1)(d)(ii); and
  - (b) continues to have a genuine reason for possessing or using a firearm under the licence.
- (4) Despite subsection (3)(a), the Commissioner may accept an application for the renewal of a licence even if the applicant does not meet the requirements of that paragraph, if the Commissioner is satisfied that it is reasonable in the circumstances for that paragraph not to apply to the applicant.
- (5) For the avoidance of doubt, the fact that the Commissioner has previously held

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that an applicant is not required to meet a requirement specified in subsection (3)(a) does not prevent the Commissioner from making a different decision in respect of the same applicant.

**17. Section 36C amended (General discretion of Commissioner to refuse to renew licence or to alter or vary conditions of licence)**

Section 36C(2)(c) of the Principal Act is amended by inserting after subparagraph (i) the following subparagraph:

- (ia) either the applicant meets the requirements specified in section 36A(3)(a) or it is reasonable in the circumstances for that paragraph not to apply to the applicant; and

**18. Section 37 amended (Genuine reasons)**

Section 37(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (h) “exhibition.” and substituting “exhibition;”;
- (b) by inserting the following paragraph after paragraph (h):
  - (i) a reason prescribed as being a genuine reason to possess or use a firearm.

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**19. Section 46 amended (General conditions of licence)**

Section 46 of the Principal Act is amended by omitting paragraph (ba) and substituting the following paragraphs:

- (ba) the licensee must notify the Commissioner in an approved form of any change in the licensee's name or residential address –
  - (i) at least 24 hours before that change occurs; or
  - (ii) if the change of address occurs without 24 hours' notice, as soon as practicable, and no later than 24 hours, after that change occurs;
- (bb) if the firearm is to be stored at an address other than the residential address of the licensee for more than 24 hours, the licensee must notify the Commissioner in an approved form of the change in location –
  - (i) at least 24 hours before that change occurs; or
  - (ii) if the change occurs without 24 hours' notice, as soon as practicable, and no later than 24 hours, after that change occurs;

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**20. Section 47 amended (Special conditions of certain licences)**

Section 47(3)(a) of the Principal Act is amended by omitting “pistol” and substituting “handgun”.

**21. Section 51 amended (Cancellation of licence)**

Section 51 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “DVO, within the meaning of the *Domestic Violence Orders (National Recognition) Act 2016*” and substituting “DVO”;
- (b) by omitting from subsection (7)(b) “DVO, within the meaning of the *Domestic Violence Orders (National Recognition) Act 2016*” and substituting “DVO”.

**22. Section 53 amended (Suspension of licence)**

Section 53 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “DVO, within the meaning of the *Domestic Violence Orders (National Recognition) Act 2016*” and substituting “DVO”;
- (b) by omitting from subsection (2)(a) “DVO, within the meaning of the *Domestic Violence Orders (National*

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*Recognition) Act 2016*” and substituting “DVO”;

(c) by inserting the following paragraph after paragraph (a) in subsection (2):

(ab) if the suspension is imposed due to the health of the holder, whether mental or physical, for such period not exceeding 12 months as the Commissioner specifies in the notice under subsection (1); or

(d) by omitting subsection (3) and substituting the following subsection:

(3) During the suspension of the licence, the holder of the licence –

(a) is taken not to be the holder of the licence while it is suspended; and

(b) is not authorised to possess or use –

(i) any firearm, whether specified in the licence or not; and

(ii) any firearm parts or ammunition.

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**23. Section 56 amended (Corresponding licence)**

Section 56 of the Principal Act is amended by omitting subsections (1), (2) and (3) and substituting the following subsections:

- (1) A person is taken to hold a firearms licence under this Act if –
  - (a) the person –
    - (i) is a current resident of another State or a Territory and intends to reside in this State; and
    - (ii) holds a firearms licence in that State or a Territory that corresponds with a licence specified in Division 2; and
    - (iii) notifies the Commissioner, in writing, that the person intends to reside in this State; and
  - (b) the Commissioner has confirmed, in writing, that the person's notification has been received.
- (2) A firearms licence taken to be held by a person under subsection (1) is taken to be a firearms licence under this Act –

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- (a) that is equivalent to the firearms licence held by the person in the other State or Territory; and
- (b) that is in force for a period of 7 days from –
  - (i) the date the person receives the written confirmation of the Commissioner under subsection (1)(b); or
  - (ii) such later date as is specified in the written confirmation of the Commissioner.
- (3) Despite subsection (2)(b), a firearms licence taken to be held by a person under subsection (1) remains in force after the 7-day period specified in subsection (2)(b) if –
  - (a) during that 7-day period, the person has applied for a firearms licence under this Act; and
  - (b) the application under this Act has not been determined or withdrawn.
- (3A) For the avoidance of doubt, a person who is taken to hold a firearms licence under subsection (1) is not guilty of an offence under section 9 in respect of a firearm held by the person under the firearms

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licence while the firearms licence is in force.

**24. Section 57 amended (Change in particulars of licence)**

Section 57 of the Principal Act is amended by omitting “within 14 days after” and substituting “at least 7 days before”.

**25. Section 58A amended (Application for permit to acquire prohibited handgun for prescribed event)**

Section 58A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “pistol” and substituting “handgun”;
- (b) by omitting from subsection (2) “pistol” and substituting “handgun”.

**26. Section 60 amended (General restrictions on granting permits)**

Section 60(4)(c) of the Principal Act is amended by omitting “pistol” and substituting “handgun”.

**27. Section 61 amended (Granting permit)**

Section 61 of the Principal Act is amended as follows:

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- (a) by omitting from paragraph (c) “pistols” twice occurring and substituting “handguns”;
- (b) by omitting from paragraph (c) “pistol” first occurring and substituting “handgun”;
- (c) by omitting from paragraph (c)(i) “pistol” and substituting “handgun”;
- (d) by omitting from paragraph (c)(ii) “pistol” and substituting “handgun”;
- (e) by omitting from paragraph (c)(iii) “pistol” and substituting “handgun”;
- (f) by omitting from paragraph (d) “pistol” twice occurring and substituting “handgun”.

**28. Section 82A inserted**

After section 82 of the Principal Act, the following section is inserted in Division 3:

**82A. Inspection of firearms**

A person in possession of a firearm must produce that firearm for inspection, at any reasonable time, when requested to do so by a police officer.

Penalty: Fine not exceeding 20 penalty units.

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**29. Section 83 amended (Register of firearms)**

Section 83 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (c) in subsection (2):
  - (ca) if the firearm is to be stored at a location other than at the address of the registrant, the nominated storage location in respect of the firearm; and
- (b) by omitting from subsection (3)(a) “Australian Crime Commission” and substituting “National Authority”;
- (c) by inserting the following subsection after subsection (3):
  - (3A) If requested to do so by a person, the Commissioner may disclose to the person such information from the register as the Commissioner considers reasonable in the circumstances, if the Commissioner is satisfied that –
    - (a) the person requires the information for the purpose of verifying a permit or licence in accordance with this Act; and

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- (b) it is impracticable, or unreasonable, to obtain the information from any other source.
- (d) by omitting the definition of *Australian Crime Commission* from subsection (4) and substituting the following definition:

*National Authority* means –

- (c) the Australian Criminal Intelligence Commission established by section 7 of the *Australian Crime Commission Act 2002* of the Commonwealth; or
- (d) such other department or entity of the Commonwealth that is prescribed for the purposes of this definition.

**30. Section 91 amended (Alteration to dealings record)**

Section 91 of the Principal Act is amended as follows:

- (a) by renumbering the text of the section as subsection (1);
- (b) by inserting the following subsection after subsection (1):

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- (2) Subsection (1) does not apply in respect of an alteration, of an entry in a dealings records, that is made in the approved manner.

**31. Section 93 amended (Quarterly returns)**

Section 93 of the Principal Act is amended by inserting after subsection (1) the following subsection:

- (1A) Subsection (1) does not apply to a licensed firearms dealer for a period if the licensed firearms dealer has provided the Commissioner with the particulars specified in section 89, in respect of that period, in the approved manner.

**32. Section 98 amended (Repair)**

Section 98(1) of the Principal Act is amended by omitting “seen” and substituting “seen and verified”.

**33. Section 105 amended (Sale and possession of ammunition)**

Section 105(1)(b) of the Principal Act is amended by omitting “seen” and substituting “seen, and verified,”.

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**34. Section 107 amended (Possession of firearm parts)**

Section 107 of the Principal Act is amended by omitting the penalty and substituting the following penalty:

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

**35. Section 107A amended (Possession of stolen firearms)**

Section 107A of the Principal Act is amended as follows:

- (a) by omitting from the penalty under subsection (1) “100 penalty units” and substituting “300 penalty units”;
- (b) by inserting in subsection (4) “or indictment” after “complaint”;
- (c) by omitting from subsection (6) “or may be tried summarily”;
- (d) by inserting the following subsection after subsection (6):
  - (7) Despite subsection (6), an offence against subsection (1) may be tried summarily if both the prosecutor of the offence and the defendant consent.

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**36. Section 110A amended (Unlawful trafficking in firearms)**

Section 110A of the Principal Act is amended by inserting after subsection (3) the following subsections:

- (3A) A person who is indicted for but found not guilty of an offence under this section may be convicted of an offence under section 107A if the evidence in the proceedings on the indictment establishes that the person committed the other offence.
- (3B) Subsection (3A) has effect despite anything to the contrary in Chapter XXXIX of Part IX of the Criminal Code.
- (3C) An offence under this section may be tried summarily if both the prosecutor of the offence and the defendant consent.

**37. Section 110C inserted**

Before section 111 of the Principal Act, the following section is inserted in Division 3:

**110C. Stealing of firearm or firearm part**

A person must not steal a firearm or firearm part.

Penalty: Fine not exceeding 300 penalty units or imprisonment for a term not exceeding 5 years, or both.

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**38. Section 118 amended (Suppressors and magazines)**

Section 118 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “firearm sound”;
- (b) by omitting from subsection (3)(c) “15 rounds” and substituting “10 rounds”.

**39. Section 119A amended (Possession of digital blueprints for manufacture of firearms)**

Section 119A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “firearm sound”;
- (b) by omitting from subsection (2) “firearm sound” first occurring;
- (c) by omitting from subsection (2)(a) “firearm sound”;
- (d) by omitting from subsection (3)(c) “firearm sound”.

**40. Section 121A inserted**

After section 121 of the Principal Act, the following section is inserted in Division 3:

**121A. Lending and borrowing of firearms**

- (1) In this section –

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*on-lend*, in relation to a firearm, means that a person who is not the owner of the firearm gives possession, temporarily, of that firearm to another person.

- (2) A person must not lend a firearm to another person without –
- (a) seeing and verifying that the other person holds a licence or permit under this Act that authorises the person to have possession of the firearm; and
  - (b) ensuring that the other person –
    - (i) has the means to comply with the storage requirements under this Act in respect of the firearm; and
    - (ii) intends to comply with those storage requirements.

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

- (3) A person who borrows a firearm from another person must not on-lend that firearm to another person.

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

- (4) A person who lends a firearm to another person must, if requested to do so by a police officer –
- (a) tell the police officer where the firearm is located, as far as the person is aware; and
  - (b) tell the police officer the name of the person who has borrowed the firearm.

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

- (5) For the avoidance of doubt, a firearm that is lent to another person is in the possession of that other person for the purposes of this Act including, but not limited to, the number of firearms that the other person may possess.

**41. Section 129 amended (Amnesty)**

Section 129 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “firearm sound” twice occurring;
- (b) by omitting from subsection (1)(b) “firearm sound”;

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- (c) by omitting from subsection (1) “firearm sound” fourth occurring;
- (d) by omitting from subsection (1) “firearm sound” fifth occurring;
- (e) by omitting from subsection (2) “firearm sound”.

**42. Section 130 amended (Firearms prohibition order)**

Section 130(1) of the Principal Act is amended by omitting “firearm” first occurring and substituting “firearm, firearm parts, ammunition or suppressor”.

**43. Section 132 amended (Effect of firearms prohibition order)**

Section 132 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “firearm” and substituting “firearm, firearm parts, ammunition or suppressor”;
- (b) by omitting from subsection (2) “firearm” first occurring and substituting “firearm, or firearm parts, ammunition or suppressor,”;
- (c) by omitting from subsection (2) “a firearm” second occurring and substituting “that item”.

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**44. Section 135 amended (Search and arrest for offences)**

Section 135(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “firearm” and substituting “firearm, firearm part”;
- (b) by omitting from paragraph (d) “firearm” and substituting “firearm, firearm part”.

**45. Section 139 amended (Firearms dealers premises)**

Section 139(b) of the Principal Act is amended by omitting “firearm” and substituting “firearm, firearm part”.

**46. Section 141 amended (Reviews)**

Section 141(1)(e) of the Principal Act is amended as follows:

- (a) by omitting “rifle club” and substituting “rifle shooting club”;
- (b) by omitting “pistol” and substituting “handgun”.

**47. Section 148 amended (Disclosure of certain information)**

Section 148 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (3) “pistol” and substituting “handgun”;
- (b) by omitting from subsection (4) “pistol” and substituting “handgun”.

**48. Section 151 amended (Approved clubs, shooting galleries and ranges)**

Section 151(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “rifle club” and substituting “rifle shooting club”;
- (b) by omitting from paragraph (c) “pistol” and substituting “handgun”.

**49. Section 152 amended (Granting approval)**

Section 152 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “rifle club” and substituting “rifle shooting club”;
- (b) by omitting from paragraph (b) “pistol” and substituting “handgun”;
- (c) by omitting from paragraph (ca) “pistol” and substituting “handgun”.

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**50. Section 155 amended (Exemptions)**

Section 155 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1A)(a) “rifle club” and substituting “rifle shooting club”;
- (b) by omitting from subsection (1A)(a) “pistol” and substituting “handgun”;
- (c) by omitting from subsection (1C) “rifle club” twice occurring and substituting “rifle shooting club”;
- (d) by omitting from subsection (1C) “pistol” twice occurring and substituting “handgun”;
- (e) by omitting from subsection (4)(d) “firearm sound”.

**51. Section 158 amended (Evidence)**

Section 158 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (h) “rifle club” and substituting “rifle shooting club”;
- (b) by omitting from paragraph (h) “pistol” and substituting “handgun”;

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- (c) by omitting from paragraph (i) “rifle club” and substituting “rifle shooting club”;
- (d) by omitting from paragraph (i) “pistol” and substituting “handgun”.

**52. Schedule 1 amended (Prohibited Firearms)**

Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting
  - 8. A pistol that is of a reduced or an abridged size.and substituting the following item:
  - 8. A handgun that is of a reduced or an abridged size.
- (b) by omitting
  - 10. A prohibited pistol.and substituting the following item:
  - 10. A prohibited handgun.

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**PART 3 – SENTENCING ACT 1997 AMENDED**

**53. Principal Act**

In this Part, the *Sentencing Act 1997\** is referred to as the Principal Act.

**54. Section 16C inserted**

After section 16B of the Principal Act, the following section is inserted in Division 1:

**16C. Presumption of mandatory imprisonment for certain firearm offences**

(1) In this section –

*relevant firearms offence* means a crime or offence under one of the following sections:

- (a) section 234A of the *Criminal Code*;
- (b) section 107A of the *Firearms Act 1996*;
- (c) section 110A of the *Firearms Act 1996*;
- (d) section 110C of the *Firearms Act 1996*.

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- (2) Despite section 7, if a person is convicted of a relevant firearms offence, the court that convicts the person of, or imposes on the person a sentence upon the conviction for, the offence is to order the person to serve a term of imprisonment of not less than 3 months in respect of the offence, unless subsection (3) applies.
- (3) Despite subsection (2), the court must not impose a term of imprisonment, in accordance with that subsection, on an offender if –
- (a) the offender had not attained the age of 18 years at the time at which the relevant firearms offence was committed; or
  - (b) in the opinion of the court, the offender has impaired mental functioning that is causally linked to the relevant firearms offence and that –
    - (i) ought to be regarded as reducing the offender’s culpability for the offence; or
    - (ii) is likely to result in the imprisonment of the offender being more difficult for the offender, or more of a risk to the health or wellbeing of the

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offender, than would be the case for an offender who did not have such impaired mental functioning; or

- (c) in the opinion of the court, the imposition of such a sentence would be unjust when considering the circumstances of the relevant firearms offence or the offender.
- (4) For the avoidance of doubt, subsection (2) applies in relation to a relevant firearms offence even if that offence is to be tried summarily.
- (5) Nothing in this section is to be taken to prevent the application of section 11 in relation to a sentence for a relevant firearms offence, including if, in accordance with section 11, that sentence also applies to another offence which may, or may not, be a relevant firearms offence.
- (6) For the avoidance of doubt –
- (a) subsection (2) does not provide for a mandatory penalty on conviction, in respect of a relevant firearms offence, for the purposes of section 10(2)(b)(v); and

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- (b) nothing in this section prevents a court from making, in respect of a relevant firearms offence, any order (including an order imposing a penalty) that is in addition to an order imposing a term of imprisonment in respect of the offence.

Consultation draft