



ANNO TRICESIMO SEPTIMO

# ELIZABETHAE II REGINAE

A.D. 1988

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No. 87 of 1988

An Act to amend the Firearms Act, 1977.

[Assented to 1 December 1988]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Firearms Act Amendment Act, 1988*.
- (2) The *Firearms Act, 1977*, is in this Act referred to as "the principal Act".

## Commencement

2. (1) This Act will come into operation on a day to be fixed by proclamation.
- (2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

## Long title

3. The long title to the principal Act is amended by striking out "the possession and sale of firearms" and substituting "the possession, use and sale of firearms".

## Interpretation

4. Section 5 of the principal Act is amended—
  - (a) by inserting before the definition of "the Commissioner of Police" in subsection (1) the following definitions:
    - "ammunition" means ammunition suitable for use in a firearm and includes primers, cases, propellant, projectiles and any other components of such ammunition;
    - "automatic firearm" means a firearm that is designed to fire a round when the trigger is brought to the firing position and to continue to fire one or more rounds automatically while the trigger is held in that position;;
  - (b) by striking out paragraph (a) of the definition of "dealer" in subsection (1) and substituting the following paragraph:
    - (a) who carries on the business of manufacturing, repairing, modifying or testing firearms;;

- (c) by inserting after paragraph (c) of the definition of “dealer” in subsection (1) “and ‘dealing’ has a corresponding meaning”;
- (d) by striking out paragraphs (a) and (b) of the definition of “firearm” in subsection (1) and substituting the following paragraph:
- (a) a device designed to be carried by hand and to fire shot, bullets or other projectiles by means of burning propellant or by means of compressed air or other compressed gas;;
- (e) by inserting after the definition of “firearm” in subsection (1) the following definition:
- “firearms club” means a club for the benefit of enthusiasts who are interested in firearms generally or in a particular class of firearms;;
- (f) by striking out the definition of “licence” in subsection (1) and substituting the following definition:
- “licence” means a firearms licence or a dealer’s licence;;
- (g) by inserting after the definition of “owner” in subsection (1) the following definition:
- “to purchase” includes to acquire by barter or exchange;;
- (h) by striking out the definition of “recognized rifle, pistol or gun club” in subsection (1) and substituting the following definition:
- “recognized firearms club” means a firearms club declared to be a recognized firearms club by the Minister pursuant to this Act;;
- (i) by striking out the definition of “the repealed Pistol Licence Act” in subsection (1) and substituting the following definitions:
- “self loading firearm” means a firearm that is designed to reload automatically when a round is fired but does not include an automatic firearm;
- “to sell” includes to dispose of by barter or exchange;;
- (j) by striking out the definition of “silencer” in subsection (1) and substituting the following definition:
- “silencer” means a device designed to be attached to a firearm to muffle the report when the firearm is fired;;
- (k) by striking out the definition of “special firearms permit” in subsection (1) and substituting the following definition:
- “special firearms permit” means a firearms licence specially endorsed by the Registrar to authorize possession of a dangerous firearm;;

and

- (l) by inserting after subsection (2) the following subsections:

(3) A person who purchases or sells more than 20 firearms in any 12 month period will, for the purposes of this Act, be taken to be carrying on the business of dealing in firearms in respect of the firearms purchased or sold in excess of 20 in that period.

(4) Subsection (3) does not apply if all the firearms purchased or sold in a 12 month period were the subject of one transaction or two or more transactions entered into on the same day at an auction.

(5) A person who purchases or sells more than 50 000 rounds of ammunition in any 12 month period will, for the purposes of this Act, be taken to

be carrying on the business of dealing in ammunition in respect of the ammunition purchased or sold in excess of 50 000 rounds in that period.

(6) Subsection (5) does not apply—

(a) in relation to a recognized firearms club;

(b) if all the ammunition purchased or sold in a 12 month period was the subject of one transaction or two or more transactions entered into on the same day at an auction.

### Substitution of Part III

5. Part III of the principal Act is repealed and the following Part is substituted:

#### PART III

#### POSSESSION OF FIREARMS AND DEALING IN FIREARMS AND AMMUNITION

##### DIVISION I—POSSESSION AND USE OF FIREARMS

##### Possession and use of firearms

11. (1) A person who has possession of a firearm without holding a firearms licence authorizing possession of that firearm is guilty of an offence.

(2) A person who has possession of a firearm, or who uses a firearm, for a purpose that is not authorized by a firearms licence held by that person is guilty of an offence.

(3) If, in proceedings for an offence against subsection (2), the evidence gives rise to a reasonable inference that the purpose for which the defendant had possession of the firearm, or used the firearm, was not authorized by the licence, the onus shifts to the defendant to establish that the purpose for which he or she had possession of the firearm, or used the firearm, was authorized by the licence.

(4) No offence is committed under this section in relation to a firearm (not being a dangerous firearm) by virtue of the fact that—

(a) a person has possession of, or uses, the firearm at a shooting gallery that is under the supervision of a responsible person for the purpose of shooting at that shooting gallery;

(b) a person has possession of, or uses, the firearm on the grounds of a recognized firearms club for the purpose of shooting in a manner authorized by the club;

(c) a person has possession of the firearm in the ordinary course of the business of carrying or storing goods;

(d) a person has possession of, or uses, the firearm in the ordinary course of business as a licensed dealer in firearms;

(5) No offence is committed under this section in relation to a firearm by virtue of the fact that—

(a) a person has possession of the firearm as executor of the will, or administrator of the estate, of a deceased person;

(b) a person has possession of the firearm;

(i) as the administrator, committee, guardian or manager of the estate of a person who is unable to manage his or her affairs;

or

- (ii) as the donee of an enduring power of attorney during a period of legal incapacity suffered by the donor of the power.
- (c) a person has possession of, or uses, the firearm in circumstances prescribed by regulation.

#### **Application for firearms licence**

12. (1) An application for a firearms licence—
- (a) must be made to the Registrar in the prescribed manner and form;
  - (b) must contain the prescribed information;
  - (c) must be accompanied by any certificates, declarations, references, reports or other documents required by the regulations or by the Registrar;
- and
- (d) must be accompanied by the prescribed fee.
- (2) The Registrar may require an applicant—
- (a) to furnish such further information as may be necessary to enable the Registrar to determine the application;
- or
- (b) to verify by statutory declaration information furnished in relation to the application.
- (3) Subject to subsection (4), an application for a firearms licence cannot be validly made by a person under the age of 18.
- (4) An application for a firearms licence may be made by a person who is 15 or over but under 18 if that person is the spouse, child, brother, sister or employee of a person who holds a firearms licence and who conducts the business of primary production.
- (5) The Registrar must not grant an application for a firearms licence unless satisfied that the applicant intends using the firearm, or a firearm of the class, to which the licence relates for the purpose or purposes endorsed on the licence in relation to that firearm or firearms of that class.
- (6) Subject to this section where an application for a firearms licence is properly made the Registrar may only refuse the application if—
- (a) the Registrar is not satisfied that the applicant is a fit and proper person to possess firearms of the relevant class or to use firearms of that class for the purpose or purposes for which they could be used pursuant to the licence;
- and
- (b) the consultative committee concurs with the Registrar's decision.
- (7) An application for a firearms licence authorizing possession of a dangerous firearm can only be granted if the Registrar is satisfied—
- (a) (i) that the dangerous firearm is required for the purposes of a theatrical production or for some other purpose authorized by the regulations;
- or
- (ii) that the dangerous firearm is of historical, archaeological or cultural value;
- and
- (b) that the applicant is a fit and proper person to have possession of the dangerous firearm.

**Provisions relating to firearms licences**

13. (1) A firearms licence may authorize possession of a particular firearm or firearms of a particular class, and must be endorsed by the Registrar with the purpose or purposes for which that firearm or firearms of that class may be used by the holder of the licence.

(2) A firearms licence can only be endorsed with a purpose or purposes prescribed by regulation or approved by the Registrar pursuant to the regulations.

(3) A firearms licence that authorizes possession of a dangerous firearm must be specially endorsed by the Registrar to that effect.

(4) Subject to this section, a firearms licence is subject to—

(a) any licence conditions prescribed by the regulations;

(b) any licence conditions imposed by the Registrar with the approval of the consultative committee;

and

(c) any licence conditions imposed by the Registrar with the agreement of the holder of the licence.

(5) The Registrar may impose licence conditions pursuant to subsection (4) on the grant or renewal of the licence or at any time during the term of the licence.

(6) A licence condition imposed pursuant to subsection (4) (b) during the term of the licence does not operate until the Registrar has given the holder of the licence (either personally or by post) notice in writing of the condition.

(7) Where the Registrar imposes licence conditions with the agreement of the holder of the licence, the Registrar must inform the consultative committee in writing as to—

(a) the identity of the holder of the licence;

(b) the classes of firearms to which the licence applies and the purposes for which firearms of those classes may be used by the holder of the licence;

and

(c) the conditions imposed by the Registrar.

(8) The Registrar may, on the application of the holder of a firearms licence—

(a) extend the classes of firearms to which the licence relates;

(b) vary or revoke a purpose endorsed on the licence pursuant to subsection (1) or endorse a further purpose or purposes on the licence;

(c) vary or revoke a licence condition (including a condition to which the licence is subject by virtue of the regulations).

**DIVISION II—PURCHASE OF FIREARMS****Purchase of firearms**

14. (1) Subject to subsection (3), a person who purchases a firearm (other than a person who purchases a firearm in the ordinary course of business as a licensed dealer in firearms) without holding a permit granted by the Registrar authorizing purchase of that firearm is guilty of an offence.

(2) Subject to subsection (3), a person (whether a dealer or not) who sells a firearm to another person without taking reasonable steps to satisfy himself or herself that the purchaser—

(a) holds a permit granted by the Registrar authorizing purchase of the firearm;  
or

(b) is a licensed dealer in firearms,

is guilty of an offence.

(3) Subsections (1) and (2) do not apply to the sale and purchase of a firearm at an auction if the firearm is the subject of a permit granted under this Division by the Registrar authorizing the auctioneer to sell the firearm at that auction.

(4) An auctioneer who sells a firearm pursuant to a permit referred to in subsection (3) without taking reasonable steps to satisfy himself or herself that the purchaser—

(a) holds a firearms licence that authorizes possession of the firearm and has held that licence (except where the licence is a renewal of a previously held licence) for at least one month;

or

(b) is a licensed dealer in firearms,

is guilty of an offence.

#### **Application for permit**

15. (1) An application for a permit to purchase a firearm or to sell a firearm at auction—

(a) must be made to the Registrar in the prescribed manner and form;  
and

(b) must contain the prescribed information.

(2) The Registrar may require an applicant—

(a) to furnish such further information as may be necessary to enable the Registrar to determine the application;

or

(b) to verify by statutory declaration information furnished in relation to the application.

(3) A permit to purchase a firearm can only be granted if the applicant holds a firearms licence that authorizes possession of the relevant firearm and has, subject to subsection (4), held the licence for at least one month.

(4) Where, in the Registrar's opinion it is safe to do so, the Registrar may grant a permit to a person who has held a firearms licence for less than one month.

(5) Subject to this section, where the application is properly made the Registrar may only refuse the application if in the opinion of the Registrar the firearm to which it relates—

(a) is particularly dangerous by reason of its design, construction or any other factor;

(b) can easily be converted to an automatic firearm;

or

(c) is, by reason of its size or any other factor, more readily concealed than other firearms of the same class and is for that, or any other reason, particularly suited to unlawful use.

(6) Where the Registrar decides that the application should be refused the applicant may, within one month after receiving notice in writing of the Registrar's decision, require the Registrar to refer the application to the consultative committee.

(7) If the committee does not concur with the Registrar's decision the committee may direct the Registrar to grant the application.

(8) The period for which a permit remains in force must be set out in the permit.

#### DIVISION III—DEALING IN FIREARMS AND AMMUNITION

##### Requirement for licence

16. A person who carries on the business of dealing in firearms or ammunition or both without holding a dealer's licence authorizing the carrying on of that business is guilty of an offence.

##### Application for dealer's licence

17. (1) An application for a dealer's licence—

(a) must be made to the Registrar in the prescribed manner and form;

(b) must contain the prescribed information;

(c) must be accompanied by any certificates, declarations, references, reports or other documents required by the regulations or by the Registrar;

and

(d) must be accompanied by the prescribed fee.

(2) The Registrar may require an applicant—

(a) to furnish such further information as may be necessary to enable the Registrar to determine the application;

or

(b) to verify by statutory declaration information furnished in relation to the application.

(3) Subject to this section, where an application for a dealer's licence is properly made, the Registrar may only refuse the application if—

(a) the Registrar is not satisfied that—

(i) the applicant is a fit and proper person to hold such a licence;

or

(ii) the premises at which the applicant intends carrying on the business of dealing in firearms or ammunition is appropriate for that purpose;

and

(b) the consultative committee concurs with the Registrar's decision.

(4) A dealer's licence is subject to—

(a) any conditions prescribed by the regulations;

and

(b) any conditions imposed by the Registrar with the approval of the consultative committee and specified in the licence.

(5) A dealer's licence that authorizes dealing in ammunition but not firearms must be endorsed to that effect.

(6) A dealer's licence cannot be granted to a person under the age of 18.

**Records**

18. A dealer who—

(a) fails to keep prescribed records in relation to the firearms or ammunition in which the dealer deals;

or

(b) fails to submit prescribed returns to the Registrar in accordance with the regulations,

is guilty of an offence.

**DIVISION IV—LICENCES****Term and renewal of licence**

19. (1) Subject to this Act, a licence remains in force for a term (not exceeding three years) specified in the licence.

(2) A licence may be renewed from time to time.

(3) An application for renewal of a licence—

(a) must be made to the Registrar in the prescribed manner and form;

(b) must contain the prescribed information;

(c) must be accompanied by any certificates, declarations, references, reports or other documents required by the regulations or by the Registrar;

and

(d) must be accompanied by the prescribed fee.

(4) The Registrar may require an applicant for renewal of a licence—

(a) to furnish such further information as may be necessary to enable the Registrar to determine the application;

or

(b) to verify by statutory declaration information furnished in relation to the application.

(5) The provisions of this Part that apply in relation to the determination of an application for a new licence apply in relation to the determination of an application for renewal of the licence.

**Cancellation of licence**

20. If the Registrar is satisfied that the holder of a licence—

(a) has contravened or failed to comply with a provision of this Act or a condition of the licence;

or

(b) has committed some act that shows that the holder is not a fit and proper person to hold the licence,

the Registrar may, with the concurrence of the consultative committee, by notice in writing served personally or by post on the holder of the licence, cancel the licence.

**Breach of conditions, etc.**

21. The holder of a licence who contravenes, or fails to comply with, a condition of the licence is guilty of an offence.

**Notice of change of address**

21a. The holder of a licence who fails to give the Registrar notice in writing of a change of his or her address within 14 days of the change is guilty of an offence.



## DIVISION V—ACQUISITION OF AMMUNITION

**Acquisition of ammunition**

21b. (1) A person must not purchase ammunition or accept ammunition as a gift unless he or she is the holder of—

(a) a firearms licence that authorizes possession of a firearm designed to fire that ammunition;

or

(b) a permit granted by the Registrar entitling the holder to acquire ammunition of that kind.

(2) A person who contravenes subsection (1) is guilty of an offence.

(3) The Registrar must not grant a permit to acquire ammunition unless satisfied that the applicant—

(a) is a fit and proper person to have possession of ammunition of the kind that may be acquired under the permit;

and

(b) has a genuine reason for making the application.

(4) When granting a permit the Registrar must not restrict the kind of ammunition that can be acquired unless it is, in the Registrar's opinion, necessary to do so in order to comply with subsection (3).

(5) A person who sells or supplies ammunition to another person knowing, or having reason to believe, that that other person—

(a) is not the holder of a firearms licence that authorizes possession of a firearm designed to fire that ammunition;

and

(b) is not the holder of a permit granted by the Registrar authorizing the acquisition of that ammunition,

is guilty of an offence.

(6) This section does not apply in relation to the acquisition of ammunition—

(a) by a licensed dealer in ammunition in the ordinary course of business as a dealer in ammunition;

(b) by a recognized firearms club for distribution to members of, or visitors to, the club;

(c) by a member of a recognized firearms club from the club;

(d) from a recognized firearms club by a visitor to the club for use on the grounds of the club in a manner authorized by the club;

or

(e) by a person for use by that person in a firearm in circumstances in which that person is not required by this Act to hold a firearms licence.

(7) Where, in proceedings for an offence against this section, it is proved that the defendant—

(a) purchased ammunition or accepted ammunition as a gift in contravention of subsection (1);

or

- (b) sold or supplied ammunition to another person in contravention of subsection (5),

the onus is on the defendant to prove that he or she was entitled to purchase, accept, sell or supply the ammunition by virtue of subsection (6).

#### DIVISION VI—GENERAL

##### **Giving, lending, etc., of firearms**

21c. A person who gives, lends or otherwise parts with possession of a firearm to another person without taking reasonable steps to satisfy himself or herself that that person is legally entitled to have possession of firearms of that class, is guilty of an offence.

##### **Appeals**

21d. (1) A person aggrieved by a decision of the Registrar—

- (a) to refuse an application for a licence, or renewal of a licence or an application for a permit to purchase a firearm or to sell a firearm at auction;
  - (b) to impose licence conditions (other than prescribed conditions);
  - (c) to cancel a licence;
- or
- (d) to refuse an application for a permit to acquire ammunition,

may appeal against that decision to a magistrate sitting in chambers.

(2) The appeal must be instituted within one month after the appellant received notice of the decision, but the magistrate may, if satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be instituted within that time.

(3) The magistrate may, on the hearing of the appeal, exercise one or more of the following powers:

- (a) affirm or vary the decision appealed against, or substitute any decision that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Registrar for further consideration;
- (c) make any order for costs.

##### **Application of this part**

6. Section 22 of the principal Act is amended by striking out paragraphs (a) and (b) and substituting the following paragraphs:

- (a) any firearm in the possession of a person in the ordinary course of business as a licensed dealer in firearms;
- (b) any firearm in the possession of a person in the ordinary course of the business of carrying or storing goods.

##### **Notice to be given by owner of registered firearm**

7. Section 25 of the principal Act is amended by inserting after subsection (2) the following subsections:

- (3) Where an alteration of a kind referred to in subsection (1) (b) has been made to a firearm the Registrar may with the concurrence of the consultative committee

cancel registration of the firearm if the Registrar would not have granted a permit to the owner of the firearm to purchase it in its altered state.

(4) The cancellation will not be effective until notice in writing of the cancellation has been served personally or by post on the owner of the firearm.

#### **Substitution of s. 26**

8. Section 26 of the principal Act is repealed and the following section is substituted:

##### **Notice of change of address**

26. The owner of a registered firearm who fails to give the Registrar notice in writing of a change of his or her address within 14 days of the change is guilty of an offence.

#### **Insertion of s. 26a in Part V**

9. The following section is inserted in Part V of the principal Act before section 27:

##### **Recognized firearms clubs**

26a. (1) If the Minister is satisfied that a firearms club conducts its affairs and activities in a responsible manner, the Minister must, if the club applies for recognition, declare the club to be a recognized firearms club by notice in the *Gazette*.

(2) If the Minister refuses an application for recognition the Minister must provide the applicant with a written statement setting out the reasons for the refusal.

(3) If at any time the Minister is satisfied that a recognized firearms club has failed to comply with this Act or no longer conducts its affairs or activities in a responsible manner, the Minister may, by notice in the *Gazette*, revoke a declaration under subsection (1).

(4) Before revoking a declaration the Minister must—

(a) give the club at least two months written notice of the proposed revocation setting out the Minister's reasons for the proposed revocation;

and

(b) give the club a reasonable opportunity to make written or oral submissions to the Minister in relation to the proposed revocation.

(5) The club must upon receiving notice of the proposed revocation inform its members in writing of the proposal.

#### **Name, address, etc., of persons in possession of firearm or ammunition**

10. Section 30 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A member of the police force who suspects on reasonable grounds that a person has, or recently has had, in his or her possession a firearm or ammunition, may require that person to state his or her full name, address and age.

#### **Production of licence and certificate of registration**

11. Section 31 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) A person who has possession of a firearm must, at the request of a member of the police force—

(a) produce a firearms licence authorizing his or her possession of the firearm and the certificate of registration of the firearm for

inspection by the member of the police force or, if production of the licence or certificate is not possible at the time of the request, that person must produce the licence or certificate within 48 hours for inspection by a member of the police force at a police station nominated by that person at the time of the request;

and

(b) produce the firearm for inspection or, if production is not possible at the time of the request, produce the firearm within 48 hours for inspection by a member of the police force at a police station nominated by that person at the time of the request.;

and

(b) by inserting after "licence" in subsection (2) "or certificate of registration".

#### **Insertion of s. 31a**

12. The following section is inserted after section 31 of the principal Act:

##### **Period of grace on cancellation, etc.**

31a. (1) Where a person has received written notice from the Registrar of cancellation of registration of a firearm or cancellation of the licence that authorized that person's possession of the firearm or written notice of the Registrar's refusal to renew such a licence that person may, in order to dispose of the firearm, retain possession of it for two months.

(2) A person referred to in subsection (1) who uses the firearm for any purpose before disposing of it is guilty of an offence.

#### **Power to seize firearms**

13. Section 32 of the principal Act is amended—

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

(ba) a firearm has been forfeited to the Crown by order of a court;

and

(b) by inserting after "stop, detain and search" in subsection (2) "or detain and search".

#### **Proceedings by Registrar for forfeiture of firearms**

14. Section 34 of the principal Act is amended by striking out subsection (3).

#### **Insertion of s. 34a**

15. The following section is inserted after section 34 of the principal Act:

##### **Forfeiture of firearms by court**

34a. (1) Where a court convicts a person of an offence against this or any other Act and the court finds that a firearm was involved in the commission of the offence the court may make one or both of the following orders—

(a) that the firearm be forfeited to the Crown or be disposed of in such other manner as the court directs;

(b) cancelling a firearms licence held by the convicted person.

(2) Where, in the course of proceedings before a court, the court forms the view that a party to the proceedings who has possession of a firearm is not a fit and proper

person to have possession of the firearm, the court may make one or both of the following orders—

- (a) that the firearm be disposed of in such manner as the court directs;
- (b) cancelling a firearms licence held by that person.

#### Substitution of s. 37

16. Section 37 of the principal Act is repealed and the following section is substituted:

##### Penalties

37. (1) The maximum penalties for offences against this Act are as follows:

- (a) for a first offence—division 8 fine;
- (b) for a second offence—division 7 fine or division 7 imprisonment;
- (c) for a subsequent offence—division 6 fine or division 6 imprisonment.

(2) The minimum penalty for a second or subsequent offence against this Act is a division 9 fine.

#### Regulations

17. Section 39 of the principal Act is amended—

(a) by inserting after paragraph (a) of subsection (2) the following paragraphs:

- (ab) divide firearms into various classes;
- (ac) prescribe or empower the Registrar to determine qualifications or experience in relation to the safe handling of firearms that an applicant for a licence must have in order to obtain a licence under this Act;
- (ad) provide or empower the Registrar to determine requirements for the safe custody of firearms generally, or any specified class of firearms, while not in use;
- (ae) empower the Registrar to endorse a firearms licence with a purpose or purposes not included in regulations;
- (af) require the keeping of records and the furnishing of information to the Registrar by—
  - (i) recognized firearms clubs;
  - (ii) licensed dealers;
  - (iii) employers whose employees are required to carry firearms in the course of their employment.;

(b) by striking out paragraph (f) of subsection (2);

and

(c) by striking out from paragraph (g) of subsection (2) “five hundred dollars” and substituting “a division 8 fine”.

#### Insertion of schedule

18. The following schedule is inserted after section 39 of the principal Act:

##### SCHEDULE

###### *Transitional Provisions*

1. A person who was lawfully in possession of a firearm or firearms pursuant to a firearms licence or a special firearms permit at the commencement of the *Firearms Act Amendment Act, 1988*, is entitled to continue in possession

of, and to use, the firearm or firearms pursuant to the licence or permit as if the amending Act had not come into operation.

2. Upon renewal of a firearms licence referred to in clause 1 the licence must, at the request of the holder of the licence, be appropriately endorsed by the Registrar so as to authorize the possession and use, by the holder of the licence, of the firearm or firearms referred to in clause 1 for the same purposes and to the same extent that the holder of the licence was entitled to possess and use those firearms immediately before the commencement of the *Firearms Act Amendment Act, 1988*, and subsequent renewals of the licence must carry the same endorsement.

3. The Registrar cannot impose licence conditions that operate in relation to a firearm or firearms referred to in clause 1 (whether before or after renewal of the firearms licence) in addition to the licence conditions that operated in relation to that firearm or those firearms at the commencement of the *Firearms Act Amendment Act, 1988*.

4. Clauses 1 and 2 are subject to the power of the Registrar or a court to cancel a licence.

5. An endorsement pursuant to clause 2 will not extend to other firearms of the same class unless the Registrar so determines.

6. A person who was the holder of a dealer's licence and who carried on the business of dealing in ammunition at the commencement of the *Firearms Act Amendment Act, 1988*, is entitled to continue carrying on that business until the licence expires or is cancelled.

### Statute law revision

19. The principal Act is further amended as indicated in the schedule.

## SCHEDULE

The principal Act is further amended as follows:

Section 2—

Strike out this section.

Section 3—

Strike out this section.

Section 4—

Strike out this section.

Section 5 (1)—

Definition of "the repealed Firearms Act"

Strike out this definition.

Section 5 (2)—

Strike out "a firearm in his possession" and substitute "possession of a firearm".

Strike out "he" twice occurring and substitute, in each case, "that person".

Section 9—

Strike out this section and substitute:

**Allowances and expenses**

9. The members of the consultative committee are entitled to such allowances and expenses as the Minister may determine.

Section 25 (2)—

Strike out this subsection and substitute:

(2) A person who fails to comply with this section is guilty of an offence.

Section 33—

Strike out this section and substitute:

**Obstruction of officer**

33. A person who hinders or resists a member of the police force acting in the exercise of powers conferred by this Act is guilty of an offence.

Section 38 (1)—

Strike out this subsection and substitute:

(1) An offence against this Act is a summary offence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor