



TASMANIA

GUNS AMENDMENT ACT 1996

No. 1 of 1996

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GUNS AMENDMENT ACT 1996

No. 1 of 1996

An Act to amend the *Guns Act 1991*

[Royal Assent 15 May 1996]

Be it enacted by His 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:

Short title

1. This Act may be cited as the *Guns Amendment Act 1996*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Principal Act

3. In this Act, the *Guns Act 1991** is referred to as the Principal Act.

* No. 34 of 1991. Amended by No. 108 of 1993 and No. 68 of 1994.

Section 3 amended (Interpretation)

4. Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of "approval":

"approved institution" means –

- (a) the Queen Victoria Museum and Art Gallery; and
 - (b) the Tasmanian Museum; and
 - (c) an institution declared to be an approved institution under section 6A;
- (b) by inserting the following definition after the definition of "**Commissioner**":

"dispose of" includes destroy;

Section 4 amended (Prohibited guns)

5. Section 4(1) of the Principal Act is amended as follows:

- (a) by inserting "self loading shotguns, and" after "applies to";
- (b) by omitting "rifles" and substituting "rifles,".

Section 6A inserted

6. After section 6 of the Principal Act, the following section is inserted in Part 1:

Authorised buyers of fully-automatic guns

6A. (1) If the Minister is satisfied that an institution displays guns to the public for historical or educational purposes, the Minister may declare that institution to be an approved institution.

(2) A declaration under subsection (1) is to be made by notice published in the *Gazette*.

Section 7 amended (Limits on keeping and using, &c., guns)

7. Section 7 is amended as follows:

- (a) by omitting "A person" and substituting "(1) A person";
- (b) by omitting from subsection (1)(d) ", fully-automatic gun";
- (c) by adding the following subsection:
 - (2) A person must not –
 - (a) use a fully-automatic gun; or
 - (b) manufacture a fully-automatic gun; or
 - (c) bring or import into Tasmania a fully-automatic gun; or
 - (d) buy a fully-automatic gun unless the buyer is an approved institution; or
 - (e) keep, possess or sell a fully-

automatic gun unless authorised to do so by a licence or permit.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 2 years, or both.

Section 8 amended (Types of licences and permits)

8. Section 8 of the Principal Act is amended as follows:

- (a) by omitting "The" and substituting "(1) The";
- (b) by omitting subparagraph (ii) from subsection (1)(b);
- (c) by adding the following subsection:

(2) A fully-automatic gun permit in force immediately before the day on which the *Guns Amendment Act 1996* commences continues in force subject to this and any other Act.

Section 9 amended (Gun-dealers licence)

9. Section 9 of the Principal Act is amended as follows:

- (a) by omitting "section 24(1) (place where gun-dealer may carry on business) and section 35 (restrictions on gun-dealers)," and substituting "sections 24(1), 35 and 35A,";
- (b) by omitting from paragraph (d) ", fully-automatic guns".

Section 13 amended (Fully-automatic gun permit)

10. Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "and to use it on an approved range";
- (b) by omitting subsection (2).

Section 14 amended (Prohibited gun permit)

11. Section 14 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) "a prohibited gun" (second occurring) and substituting "on an approved range a prohibited gun other than a shotgun";
- (b) by omitting from subsection (1)(b) "and to use it on an approved range";
- (c) by omitting subsection (2).

Section 16 amended (Temporary gun permit)

12. Section 16 of the Principal Act is amended as follows:

- (a) by inserting in paragraph (a) "other than a fully-automatic gun" after "a gun";
- (b) by omitting from paragraph (b) ", fully-automatic gun".

Section 17 amended (General authorization)

13. Section 17 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1)(a) "other than a fully-automatic gun or a prohibited gun" after "gun";
- (b) by inserting in subsection (1)(b) ", other than fully-automatic guns or prohibited guns," after "guns".

Section 18 amended (Specific authorizations)

14. Section 18 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "use and possess a gun" and substituting "possess a gun and use a gun other than a fully-automatic gun or prohibited gun";
- (b) by inserting in subsection (6) ", other than a fully-automatic gun or prohibited gun," after "a gun".

Section 19 amended (Visitors)

15. Section 19(1)(a) of the Principal Act is amended by inserting ", other than a fully-automatic gun," after "a gun".

Sections 35A and 35B inserted

16. After section 35 of the Principal Act, the following sections are inserted:

Restrictions on gun-dealers in relation to fully-automatic guns

35A. A gun-dealers licence does not authorise the person specified in it –

- (a) to use a fully-automatic gun; or
- (b) to keep or possess a fully-automatic gun other than one which the person kept or possessed immediately before the day on which the *Guns Amendment Act 1996* commences; or
- (c) to buy a fully-automatic gun; or
- (d) to sell a fully-automatic gun to a person other than an approved institution; or
- (e) to manufacture a fully-automatic gun; or
- (f) to bring or import into Tasmania a fully-automatic gun.

Restrictions on holders of fully-automatic gun permits

35B. (1) A fully-automatic gun permit does not authorise the person specified in it –

- (a) to use the fully-automatic gun; or
- (b) to sell the fully-automatic gun to a person other than an approved institution.

(2) On the death of the person specified in a fully-automatic gun permit, the fully-automatic gun and any ammunition for that gun is forfeited to the Crown.

Section 49A inserted

17. After section 49 of the Principal Act, the following section is inserted:

Prohibition of certain magazines

49A. A person must not use, keep, possess, sell, buy or manufacture a detachable magazine that is capable of holding more than 5 rounds and is designed, or adapted, for use with a self loading centre fire rifle.

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

Section 52 amended (Sale or transfer of fully-automatic gun to be notified to Commissioner)

18. Section 52 of the Principal Act is amended by inserting "to an approved institution" after "fully-automatic gun".

Section 82 amended (Gun may be forfeited)

19. Section 82 of the Principal Act is amended by omitting subsection (2).

Section 86A inserted

20. After section 86 of the Principal Act, the following section is inserted:

Disposal of forfeited gun or ammunition

86A. (1) If a gun or ammunition is forfeited to the Crown under this Act, the Commissioner may –

- (a) sell the gun or ammunition in such manner as the Commissioner determines and pay the proceeds into the Consolidated Fund; or
- (b) dispose of the gun or ammunition.

(2) If the Commissioner sells a gun forfeited on the death of a person to the Crown under section 35B, instead of paying the proceeds into the Consolidated Fund, the Commissioner must pay the proceeds to the personal representative of the deceased person for distribution as part of the estate of the deceased person.

*[Second reading presentation speech made in:–
House of Assembly on 7 May 1996
Legislative Council on 8 May 1996]*

