
FIREARMS AMENDMENT ACT 1988

No. 31 of 1988

TABLE OF PROVISIONS

1. Short title.
2. Commencement.
3. Principal Act.
4. Amendment of section 2 of Principal Act (Interpretation).
5. Amendment of section 4 of Principal Act (Unauthorized possession, &c., of pistols unlawful).
6. Amendment of section 12B of Principal Act (Firearms not to be supplied to prohibited persons).
7. Amendment of section 12D of Principal Act (Discharging, carrying, &c., firearms, &c.).
8. Amendment of section 13 of Principal Act (Provisions as to search and arrest).
9. Substitution of new section 14E of Principal Act.
14E—Minimum penalties, forfeiture, &c., not applicable in certain cases.
10. Expiry.





FIREARMS AMENDMENT ACT 1988

—————
No. 31 of 1988
 —————

AN ACT to amend the Firearms Act 1932.

[Royal Assent 29 September 1988]

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:—

1—This Act may be cited as the *Firearms Amendment Act* Short title. 1988.

2—(1) This section and sections 1 and 3 shall commence Commencement. on the day on which this Act receives the Royal assent.

(2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be fixed by proclamation.

3—In this Act, the *Firearms Act 1932** is referred to as the Principal Act. Principal Act.

* 23 Geo. V No. 53. For this Act, as amended to 1st October 1980, see the continuing Reprint of Statutes. Subsequently amended by No. 80 of 1983, No. 51 of 1985, and No. 7 of 1988.

Amendment of section 2 of Principal Act (Interpretation).

4—Section 2 of the Principal Act is amended as follows:—

- (a) by adding “and” at the end of paragraph (a) of the definition of “firearms offence”;
- (b) by omitting “and” from paragraph (b) of that definition;
- (c) by omitting paragraph (c) of that definition.

Amendment of section 4 of Principal Act (Unauthorized possession, &c., of pistols unlawful).

5—Section 4 of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

(4) Subject to section 11 (2B), the foregoing provisions of this section do not apply to any transaction under which a pistol is, or is to be, imported into, or exported from, Tasmania—

- (a) in the ordinary course of his business, by the holder of a pistol-dealer’s licence; or
- (b) subject to the conditions attaching to a firearm-collector’s licence, by the holder of that licence.

Amendment of section 12B of Principal Act (Firearms not to be supplied to prohibited persons).

6—Section 12B of the Principal Act is amended by omitting subsection (4) and substituting the following subsection:—

- (4) Subsection (3) does not apply in relation to—
 - (a) the sale or supply to a person of a pistol in accordance with section 9 (2); or
 - (b) the sale or supply of a firearm to the holder of a pistol-dealer’s licence, a gun-dealer’s licence, or a firearm-collector’s licence.

Amendment of section 12D of Principal Act (Discharging, carrying, &c., firearms, &c.).

7—Section 12D of the Principal Act is amended by inserting after subsection (1) the following subsection:—

(1A) For the purposes of subsection (1) (c), a person shall be taken to have had a lawful excuse for the discharge of a firearm from, onto, or over unoccupied Crown land if that person does so—

- (a) for the purpose of—
 - (i) taking wildlife in accordance with a licence or permit in force under regulations made under the *National Parks and Wildlife Act 1970*; or
 - (ii) taking or destroying vermin within the meaning of the *Vermin Destruction Act 1950*; or

(b) in such other circumstances as are prescribed.

- 8**—Section 13 of the Principal Act is amended as follows:—
- (a) by omitting from subsection (1) “Act” (second occurring) and substituting “Act,”;
 - (b) by omitting from subsection (1) “dealer’s licence,” and substituting “pistol-dealer’s licence, gun-dealer’s licence, or firearm-collector’s licence,”;
 - (c) by inserting after “business” in subsection (1) “or firearm collection, as the case may be,”.

Amendment of section 13 of Principal Act (Provisions as to search and arrest).

- 9**—Section 14E of the Principal Act is repealed and the following section substituted:—

Substitution of new section 14E of Principal Act.

14E—Where a person is convicted of a firearms offence the commission of which by its nature is caused by a breach of an administrative requirement by that person including failure of that person to comply with a requirement of this Act with regard to the payment of a fee or the lodging of a document or the giving of any required notice—

Minimum penalties, forfeiture, &c., not applicable in certain cases.

- (a) any minimum penalty that would, but for this section, be applicable in relation to that offence does not apply; and
- (b) the provisions of sections 14B and 14D do not have effect,

in relation to the conviction of that person for that offence.

- 10**—Section 29 of the *Gun Laws Amendment Act 1988* has effect in relation to sections 4 to 9 (inclusive) of this Act as if they were provisions of that Act.

Expiry.

