FIREARMS AMENDMENT (STRENGTHENING FIREARMS SECURITY) BILL 2026

Explanatory Notes – Reprint of Bill post House of Assembly Amendments

PART 1 – PRELIMINARY

Clause 1 - Short Title

The short title is the Firearms Amendment (Strengthening Firearms Security) Act 2026.

Clause 2 - Commencement

Provides for the Act to be commenced on a day or days to be proclaimed. This will allow sections of the Act to commence at different times with certain sections being proclaimed when the National Firearms Register is ready for delivery.

Clause 3 - Repeal of the Act

This repeals the Act on the first anniversary of the day on which the last uncommenced provision of the Act commenced. That is, one year after the final provision in the bill becomes law, this Bill is repealed.

PART 2 – FIREARMS ACT 1996 AMENDED

Clause 4 - Principal Act

Provides that the *Firearms Act 1996* is the Principal Act for Part 2 of this Bill.

Clause 5 - Section 2A Object of Act

Inserts an objects section into the Act to ensure that public health and public safety is the paramount consideration in relation to the regulation, registration, and control of firearms within Tasmania.

Clause 6 - Section 3 amended (Interpretation)

Provides for new, amended, and deleted definitions namely;

Acquire, antique firearm, antique firearm permit, approved range, borrow, button or lever release firearm, cycle of operation, firearm part, handgun, handgun shooting club, lend, nominated storage location, pistol (amended to handgun), prohibited handgun, range, recognised DVO, rifle shooting club, straight pull action firearm, suppressor, and verify.

Some definitions have been amended or added to support the National Firearms Register, others have been added or amended for clarification or following the receipt of expert advice.

Clause 7 - Section 3A Amended (Meaning of 'close associate' of a firearms dealer employee.

Provides for insertion of a close associate definition for the holder of, or an applicant for a firearms dealer employee licence. (Modelled from the definition of a close associate for a firearms dealer and includes a marriage or personal relationship within the meaning of the Relationships Act 2003 or other relation able to exercise significant influence.

Clause 8 - Section 9 amended (Possession or use of firearms)

Provides for possession of a firearm by a person who holds a firearms licence under Division 2 or 3 or is the holder of an antique firearms permit.

Clause 9 - Section 10 amended (Acquiring firearms)

Adds a person who holds an antique firearm permit as a person who can acquire an antique firearm and requires the person to apply for a permit in accordance with the relevant section.

Clause 10 - Section 11 amended (Dealing in firearms)

Clarifies the handling provision of a firearm for a firearms dealer employee and what division of licence is required for an employee.

Clause 11 - Section 14 amended (Category A firearms licence)

Amends Category A firearms to exclude a shotgun that is straight pull action or button or lever release action.

Clause 12 - Section 15 amended (Category B firearms licence)

Amends Category B firearms to exclude a centre-fire rifle that is straight pull action or button or lever release action firearm.

Clause 13 - Section 16 amended (Category C firearms licence)

Amends Category C firearms to include the straight pull action firearms and the button or lever release firearms that were excluded from Category A and Category B.

Increases the number of Category C firearms a Category C licence holder can possess from 2 to 3 to account for the fact as part of the reclassification a Category C licence holder may already possess one of these firearms under the prior categorisation.

Clause 14 - Section 18 amended (Category H firearms licence)

The term pistol is replaced with the term handgun for national consistency.

Clause 15 - Temporary classification of new firearms

Inserts a new section 18A into the that permits the Commissioner to temporarily (up to 2 years) declare a new firearm to be prohibited, or declare a category that applies to that firearm.

Clause 16 - Section 19 substituted (Firearms dealer licence)

Section 19 is repealed and substituted.

Adds antique firearms to the type of firearms a dealer can deal in.

Clause 17 - Section 19A amended (Firearms dealer employee licence)

Clarifies and expands what duties a firearms dealer employee can undertake, including the purchase and sale of firearms if the dealer is absent from the premises. Adds antique firearms to the type of firearms a dealer employee can deal in.

Clause 18 - Section 25 substituted – Purchase and sale

Section 25 is repealed and substituted.

Clarifies the responsibilities placed on a firearms dealer and firearms dealer employee relating to the verification of the other party's licence status before a purchase, sale or surrender is to occur. Permits the sale of an antique firearm through the agency of a dealer.

Clause 19 - Section 28 amended (Applications for licences)

Limits who can apply for a firearms licence to Tasmanian residents who are Australian citizens, New Zealand citizens, or a permanent resident of Australia for whom the genuine reason is primary production, animal population control, animal welfare, business or employment, or another prescribed genuine reason.

Allows the Commissioner to exempt an application for the requirements of this section if reasonable in the circumstances.

Amends the identification requirements, as the Act currently references repealed Commonwealth legislation. The actual 100-point ID check remains unchanged.

The term pistol is replaced with the term handgun.

Clause 20 - Section 29 amended (General restrictions on granting licence)

Adds additional requirements that to be granted a firearms licence an applicant must be an Australian or New Zealand citizen, or a permanent resident of Australia and whom the genuine is one of the employment related reasons in 28(1)(d)(ii).

Allows the Commissioner to grant an application that does not meet the above requirements if reasonable in the circumstances.

The following matters are added to the fit and proper person test that the Commissioner is to take into account at Section 29(2):

- The likelihood of a person using a firearm to threaten, or cause unlawful harm or damage to another person or to an animal or property.

- Whether the person has a history of behaviour in Tasmania or elsewhere that would be considered family violence if occurred in Tasmania.
- Whether the person has a history of behaviour in Tasmania or elsewhere that in the Commissioners opinion is a recognised precursor or risk factor for family violence, including coercion, intimidation, damage to property, increased police attendance, and shows a pattern of escalation in the behaviour.
- Whether a relative of the person or a member of the persons household is not a fit and proper person.
- Adds a recognised DVO [interstate DVO] to the list of orders that are considered in the 5 year history prior to the lodgement of a licence application.

The following matters are added to Section 29(3) where the Commissioner must not grant an application for a licence:

- Within the 10 year period before the application was made the person was convicted of a family violence offence in Tasmania, or an offence in another jurisdiction which if committed in Tasmania would be a family violence offence
- Conviction in Tasmania or elsewhere of an offence involving fraud to procure a firearm, firearm part, ammunition, a licence or permit.
- In the Commissioners opinion:
    - Made a threat of violence in respect of a firearm, or
    - State they intend to acquire a firearm for an unlawful purpose
    - Sought to acquire a firearm for an unlawful purpose.
- Broadens orders in relation to personal injury to include interstate orders, including insertion of a recognised DVO.
- Substituting 'criminal intelligence report or other criminal information' with 'intelligence report or other information' which will mean that any intelligence may be considered by the Commissioner when considering if a person is a risk to public safety and should not be granted a licence.

Substituting Section 29(4) so that the Commissioner must not grant an application for a licence if in the Commissioner's opinion there is a foreseeable risk that is not insignificant that a person who is not a fit and proper person is likely to gain possession of a firearm in the possession of the applicant.

Clause 21 - Section 29AB inserted (Restrictions on granting firearms dealer employee licence)

Inserts a close associates test for the applicant of a firearms dealer employee licence, which is the same test that currently applies to a firearm dealer licence applicant.

Clause 22 - Section 36A amended (Renewal of licences)

Addresses renewal of licences in the same manner as clause 19.

Clause 23 - Section 36C amended (General discretion of Commissioner to refuse to renew licence or to alter or vary conditions of licence)

Allows the Commissioner a discretion to exempt a renewal application from the citizenship or permanent resident requirements if reasonable in the circumstances. requirements of this section.

Clause 24 - Section 46 amended (General conditions of licence)

Requires a licence holder to update a change in their residential address 24 hours before the change of address, or as soon as practicable after that change of address, and no later than 24 hours after the change of address.

Requires a licence holder to update a change in firearms storage address 24 hours before the change of address, or as soon as practicable after that change of address, and no later than 24 hours after the change of address.

Clause 25 - Section 47 amended (Special conditions of certain licence)

Replaces the term pistol with the term handgun.

Clause 26 - Section 51 amended (Cancellation of licence)

Shortens the term used for interstate domestic violence orders to recognised DVO as this term is already defined in the Section 3 [interpretation] of the Act. This keeps the act flexible to changes in interstate family violence related legislation.

Clause 27 - Section 53 amended (Suspension of licence)

Shortens the term used for interstate domestic violence orders to recognised DVO as this term is already defined in the Section 3 [interpretation] of the Act. This keeps the act flexible to changes in interstate family violence related legislation.

Limits to 12 months the licence suspension period, if the suspension relates to a health condition of the licence holder. This can then be extended once by the Commissioner for a further 12 months, and the Commissioner must notify the applicant in writing.

Clarifies that a suspended licence is taken to mean that the person does not hold a licence.

Clause 28 - Section 55 substituted

Section 55 is repealed and substituted.

Provides for recognition of interstate Category A, B, H licences (for defined genuine reasons) when a licence holder is visiting Tasmania for less than 3 months.

Clause 29 - Section 56 amended (Corresponding licence)

Requires an interstate licence holder permanently moving to Tasmania to apply for a licence within 7 days. Previously category A and B licence holders had 3 months to apply. If a person makes such an application, then they are taken to hold a Tasmanian firearms licence while the application is processing.

Clause 30 - Section 57 substituted (Change in particulars of licence)

Section 57 is repealed and substituted.

Requires changes in licence particulars to be notified more than 24 hours before the change occurring, or as soon as practicable afterwards, and no later than 24 hours after the change.

Clause 31 - Section 58A amended (Application for permit to acquire prohibited handgun for prescribed event)

Replaces the term pistol with the term handgun.

Clause 32 - Section 60 amended (General restrictions on granting permits)

Replaces the term pistol with the term handgun.

Clause 33 - Section 61 amended (Granting permit)

Replaces the term pistol with the term handgun.

Clause 34 - Division 3 and Division 4 inserted (Antique Firearm permits)

Inserts new Divisions into the Act.

Section 73B -Applications for antique firearm permits

Sets requirements for and exclusions from applications for antique firearms permits.

Allows only adult Tasmanian residents who are not currently and have not in the last 5 years been subject to a Restraint Order, a Family Violence Order, a Police Family Violence Order, a recognised DVO, or a Firearms Prohibition Order or are not currently, or have not in the last 5 years been declared a serial family violence perpetrator to apply for a permit to possess an antique firearm.

Allows the Commissioner to accept and determine an application, despite the above restrictions if an order was withdrawn, revoked, dismissed, or if appropriate in the circumstances.

Section 73C - Determination of application for antique firearm permits

Allows the Commissioner to refuse an application after having regard to intelligence or information held by police in respect of the applicant.

Section 73D - Authority of antique firearm permits

Authorises an antique firearm permit holder to possess a registered antique firearm for the listed reasons including maintenance, repair, conveyance, recovery, cleaning and surrendering the firearm.

Authorises the sale of an antique firearm through a licenced firearm dealer.

Section 73E - Form of antique firearm permits

Requires an antique firearm permit to be in an approved form and may specify any condition.

Requires a permit holder to allow a police officer to inspect at any reasonable time the storage and safekeeping arrangements of antique firearms in their possession.

Section 73F - Cancellation of antique firearm permits

Provides and authority and reasons that the Commissioner's may cancel an antique firearms permit.

Section 73G - Duration of antique firearm permits

Provides that an antique firearm permit continues until it is cancelled, the death of the permit holder, or is surrendered.

Section 73H - Holder of antique firearm permit must comply with permit

Requires an antique firearm permit holder to comply with a permit condition and inserts a penalty provision.

Section 73I - Change in particulars of a permit

Requires the holder of an antique firearm permit to notify the Commissioner of a change in particulars of a permit at least 24 hours before the change, or as soon as practicable after that change, and no later than 24 hours after the change.

Section 73J - Commissioner may seek further information

Provides for the Commissioner before granting an antique firearms permit to undertake an enquiry or investigation, including to require further information. A refusal to comply with a requirement will be taken to be a withdrawal of an application for a permit.

Authorises the Commissioner to seek DNA or fingerprints (identifying particulars) in certain circumstances, such as if the Commissioner believes false or misleading identification evidence has been provided.

Authorises the Commissioner to seek a further medical report following the receipt of an initial medical report and to share (if reasonable and necessary) medical information between a medical practitioner and psychologist.

Requires the Commissioner to destroy 'identifying particulars' including DNA and fingerprints following their use, and limits their use to application determination, or a prosecution.

Section 73K - Commissioner may require list of firearms in possession of permit holders to be provided

Authorises the Commissioner, by notice, to require a permit holder to provide a list of all firearms in their possession.

Clause 35 - Section 74 amended (Unregistered firearms)

Clarifies that a registered antique is not treated as an unregistered firearm. This is consistent with how a firearm registered in another state is considered. Reduces the time for a dealer to register an imported and acquired firearm from 7 days to 24 hours.

Clause 36 - Section 82A inserted – (Inspection of firearms)

Requires a person in possession of a firearm to produce it to a police officer for inspection upon request. This follows existing Section 82 where the requirement applies to a registrant.

Clause 37 - Section 83 amended (Register of firearms)

Requires the register to contain a nominated storage location, which may not be the home address of the registrant.

Amends language from 'Australian Crime Commission' to 'National Authority' to make it current, and future proof for changes in Commonwealth legislation.

Allows the Commissioner to release limited information for licence and permit verification purposes.

Clause 38 - Section 87B inserted (Requirements for registered antique firearms)

Details storage requirements for antique firearms held under the authority of an antique firearm permit.

Clause 39 - Section 91 amended (Alteration to dealings record)

This will allow for a dealer reporting via the National Firearms Register to not have to comply with a requirement about how a record of dealing must be managed.

Clause 40 - Section 93 amended (Quarterly returns)

A dealer reporting via the National Firearms Register will not have to submit quarterly returns as their dealings are already reported.

Clause 41 - Section 98 amended (Repair)

Requires that the licence of a firearms licence holder must be seen and verified by a dealer before taking possession of a firearm for repair.

Clause 42 - Section 99AB inserted (Firearms dealer employee licence to be cancelled in certain circumstances)

Inserts a licence cancellation provision for firearms dealer employees to mirror the existing provisions that apply to a firearms dealer.

Clause 43 - Part 6B inserted (Antique Firearms)

Inserts part 6B into the act relating to antique firearms.

Section 99I - Antique firearm must be registered

Creates an offence provision for selling, acquiring or possessing a firearm that is not registered.

Section 99J - Application for registration of antique firearm

Details how an application to register an antique firearm is to be made.

Section 99K - Restriction on registration of antique firearms

Requires that a proposed antique firearms registrant must hold a permit before the Commissioner can register an antique firearm.

Requires that the antique firearm must not be registered if it is not in the public interest.

Section 99L - Effect of registration of antique firearms

Requires the Commissioner to issue a certificate of registration for a registered antique firearm.

Creates an offence to alter a certificate of registration of an antique firearm.

Requires a registered antique firearm to be recorded in the register pursuant to section 83.

Section 99M - Duration of registration of antique firearm

Stipulates the registration period of an antique firearm remains in force until registered under Part 4, or it is cancelled.

Authorises the Commissioner to cancel the registration of an antique firearm and contains surrender and seizure provisions.

Section 99N - Certain persons to provide information relating to antique firearms

Requires the registered owner of an antique firearm to notify the Commissioner of a change of storage location at least 24 hours before the change of address, or as soon as practicable after that change of address, and no later than 24 hours after the change of address.

Requires the registered owner of an antique firearm to notify the Commissioner of a change of particulars in the certificate of registration 24 hours before the change of particulars, or as soon as practicable after that change of particulars, and no later than 24 hours after the change of particulars.

Requires a firearms dealer who sells an antique firearm to notify the Commissioner of the details of the sale and the parties involved in the sale within 24 hours of the sale and no later than 24 hours after the sale.

Section 99O - Information to be provided to police in relation to antique firearms

Requires a registered owner of, or person in possession of an antique firearm to provide to a police officer information about the antique firearm when requested to do so.

Section 99P - Offences relating to antique firearms

Requires a registered owner of an antique firearm to notify the Commissioner as soon as practicable, and no later than 7 days after the loss or theft of an antique firearm, or a certificate of registration of an antique firearm.

Requires a registered owner of an antique firearm to produce to a police officer an antique firearm, or certificate of registration of an antique firearm for inspection at any reasonable time.

Requires a registered owner of an antique firearm to not possess any ammunition for that firearm unless that person is the holder of a firearm licence under this Act.

Clause 44 – Section 105 amended (Sale and possession of ammunition)

Requires a dealer or authorised person selling or supplying ammunition to another person to see and verify the other person's licence.

Clause 45 - Section 107 amended (Possession of firearm parts)

Adds a term of imprisonment as penalty option for an offence against this section of the Act.

Clause 46 - Section 107A amended (Possession of stolen firearms)

Increases the maximum available fine from 100 penalty units to 300 penalty units.

The clause clarifies the process of determining which court jurisdiction that charges against this section will be tried.

Clause 47 - Section 110A amended (Unlawful trafficking in firearms)

This clause provides for Possession of stolen firearms as an alternate conviction for a defendant who is found not guilty of Unlawful trafficking in firearms. The clause also provides for the process of determining which court jurisdiction that charges against this section will be tried.

Clause 48 - Section 110C inserted - Stealing of firearm or firearm part

Creates a new summary offence of Stealing a firearm or firearm part to mirror the crime of Stealing a firearm or firearm part at section 234A of the *Criminal Code Act* 1924.

Clause 49 - Section 118 amended (Suppressors and magazines)

Firearm sound suppressor is amended to 'suppressor'.

Clause 50 - Section 119A amended (Possession of digital blueprints for manufacture of firearms)

Firearm sound suppressor amended to 'suppressor'.

Clause 51 - Section 121A inserted - Lending and borrowing of firearms

New definition of 'on-lend' – defines third party lending.

Requires that an owner lending a firearm must see and verify the borrower's firearm licence and satisfy themselves that the borrower has lawful firearm storage facilities and intends to comply with firearm storage requirements.

A person who has possession of a borrowed firearm cannot on-lend that firearm to a third person.

Requires that a person who has lent a firearm to another person must, if requested to do so by a police officer, tell that officer of the firearms location, and the name of the person who has borrowed it.

Clause 52 - Section 129 amended (Amnesty)

Firearm sound suppressor amended to 'suppressor'.

Clause 53 - Section 130 amended (Firearms prohibition order)

Adds firearm parts, ammunition and suppressors to the list of items that the Commissioner may include in a firearms prohibition order.

Clause 54 - Section 132 amended (Effect of firearms prohibition order)

Adds firearm parts, ammunition and suppressors to the list of items that a person subject to a firearms prohibition order must not possess.

Clause 55 - Section 135 amended (Search and arrest for offences)

Expands police authority in relation to search, seizure and arrest for offences to not be limited to a firearm or ammunition but to now include firearm parts.

Clause 56 - Section 139 amended (Firearms dealers premises)

Expands police examination powers from firearms and ammunition to include firearm parts on a firearm dealer's premises.

Clause 57 - Section 141 amended (Reviews)

Adds antique firearm permits to the list of refusals and cancellations that can be reviewed on application to the Magistrates Court.

Replaces the term rifle club with the term rifle shooting club.

Replaces the term pistol with the term handgun.

Clause 58 - Section 148 amended (Disclosure of certain information)

Replaces the term pistol with the term handgun.

Clause 59 - Section 151 amended (Approved clubs, shooting galleries and ranges)

Replaces the term rifle club with the term rifle shooting club.

Replaces the term pistol with the term handgun.

Clause 60 - Section 152 amended (Granting approval)

Replaces the term rifle club with the term rifle shooting club.

Replaces the term pistol with the term handgun.

Clause 61 - Section 155 amended (Exemptions)

Replaces the term rifle club with the term rifle shooting club.

Replaces the term pistol with the term handgun.

Firearm sound suppressor amended to 'suppressor'.

Inserts a provision that the Commissioner may grant an exemption for an event or activity and apply conditions to any such exemption.

Clause 62 - Section 158 amended (Evidence)

Replaces the term rifle club with the term rifle shooting club.

Replaces the term pistol with the term handgun.

Clause 63 - Section 164A inserted (Savings and transitional provisions)

Inserts savings and transitional provisions relating to:

- Reclasification of firearms – for the period awaiting determination of an application by the applicant for the new licence category.
- Citizenship requirements – savings provision for persons who held a licence prior to the commencement of the citizenship requirements.

Inserts savings and transitional provisions relating to the renaming of a pistol to a handgun.

Inserts savings and transitional provisions relating to renaming an approved pistol shooting club to an approved handgun shooting club

Clause 64 - Schedule 1 amended (Prohibited Firearms)

Amends Schedule 1 of the act to reflect the change of term from pistol to handgun.

PART 3 – SENTENCING ACT 1997 AMENDED

Clause 65 - Principal Act

Provides that the *Sentencing Act 1997* is the Principal Act for Part 3 of this Bill.

Clause 66 - Section 16C inserted (Presumption of mandatory imprisonment for certain firearm offences)

Provides for a mandatory minimum term of imprisonment for persons convicted of the following charges.

1. Stealing a firearm or firearm part, pursuant to section 234A of the *Criminal Code Act* 1924.
2. Possession of a stolen firearm, pursuant to section 107A of the *Firearms Act* 1996.
3. Unlawful trafficking in firearms, pursuant to section 110A of the *Firearms Act* 1996.
4. Stealing a firearm or firearm part pursuant to section 110C of the *Firearms Act* 1996 (summary offence).

The clause includes judicial discretion to not impose the period of imprisonment in certain circumstances, such as for a defendant who was a youth when the offence was committed, persons with diminished mental capacity, and where it is unjust to impose that penalty considering the circumstances of the offence or offender.