

TASMANIA

**FIREARMS AMENDMENT (STRENGTHENING
FIREARMS SECURITY) BILL 2026**

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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 (Strengthening Firearms Security) 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This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.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 definitions after the definition of *ammunition*:

antique firearm means a firearm that –

- (a) was manufactured before 1 January 1900; and
- (b) is not designed to discharge, and is not

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capable of discharging,
ammunition that –

- (i) consists of a cartridge case fitted with a primer, whether or not it also contains a projectile or propelling charge; or
- (ii) is loaded in the breech end of the barrel of the firearm;

antique firearm permit means a permit in force under Division 3 of Part 3;

- (d) 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;

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

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

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button or lever release firearm means
a centre-fire firearm or shotgun
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;
- (f) by inserting “or section 99L” after
“section 78” in the definition of
certificate of registration;
- (g) 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;
 - (h) by omitting “means” first occurring from the definition of *firearm* and substituting “includes”;
 - (i) by omitting “explosive” from paragraph (a) of the definition of *firearm* and substituting “explosive, regardless of when the gun or weapon was manufactured”;
 - (j) 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;

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- (k) by inserting the following definitions after the definition of *genuine reason*:

handgun means a firearm that –

- (a) is reasonably capable of being raised and fired with 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;

- (l) 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;

- (m) by omitting “firearm sound” from paragraph (a) of the definition of *manufacture*;
- (n) by omitting “including, but not limited to, a barrel, slide, frame, receiver or bolt body” from paragraph (a) of the definition of *manufacture*;
- (o) by inserting the following definition after the definition of *minor's permit*:

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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 respect of the storage of the firearm;

- (p) by omitting the definition of *pistol*;
- (q) 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 sport 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*;

- (r) by omitting “Part 4” from the definition of *registrant* and substituting “Part 4 or 6B”;
- (s) by inserting the following definition after the definition of *restraint order*:

rifle shooting club means a shooting organisation that conducts or

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organises rifle shooting
competitions;

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

straight pull action firearm means a centre-fire firearm or shotgun –

- (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;

- (u) by omitting “fired.” from paragraph (b) of the definition of *use* and substituting “fired;”;

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- (v) 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
- (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 paragraphs 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

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the holder to possess that firearm;
or

(ac) unless the firearm is an antique
firearm registered under Part 6B
and the person is the holder of an
antique firearm permit in respect
of 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
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 10 amended (Acquiring firearms)

Section 10 of the Principal Act is amended as
follows:

(a) by omitting subsection (1) and
substituting the following subsection:

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(1) A person must not acquire a firearm unless –

(a) the person is a licensed firearms dealer; or

(b) the person is the holder of –

(i) a firearms licence of the category appropriate to that firearm; and

(ii) a permit in respect of that firearm; or

(c) the firearm is an antique firearm registered under Part 6B and the person is the holder of an antique firearm permit in respect of that firearm.

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

(b) by inserting the following subsection after subsection (2):

(3) A person is to apply for an antique firearm permit in accordance with Division 3 of Part 3.

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8. 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

9. 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; and
 - (b) rim-fire rifle that is not self-loading; and
 - (c) shotgun that is not –
 - (i) a self-loading, pump action or lever action shotgun; and

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- (ii) a straight pull action firearm or a button or lever release firearm; and
- (d) shotgun and rim-fire rifle combination.

10. 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) is not self-loading; and
 - (ii) is not a straight pull action firearm or a button or lever release firearm; and

11. Section 16 amended (Category C firearms licence)

Section 16 of the Principal Act is amended as follows:

- (a) by omitting paragraph (c) from subsection (1) and substituting the following paragraphs:
 - (c) pump action shotgun with a magazine capacity of no more than 5 rounds of ammunition; and
 - (d) straight pull action shotgun; and
 - (e) straight pull action firearm; and

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- (f) button release action shotgun; and
 - (g) button or lever release firearm.
- (b) by omitting from subsection (2) “one firearm referred to in subsection (1)(a) and one firearm referred to in subsection (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)(f) or (g)”.

12. 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”;

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

13. Section 19 substituted

Section 19 of the Principal Act is repealed and the following section is substituted:

19. Firearms dealer licence

A firearms dealer licence authorises the holder to deal only in –

- (a) firearms of a category specified in the licence at premises specified in the licence; and
- (b) antique firearms.

14. Section 19A amended (Firearms dealer employee licence)

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

- (a) by omitting “to handle manually”;

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- (b) by omitting paragraphs (a) and (b) and substituting the following paragraphs:
 - (a) to handle –
 - (i) firearms of a category specified in the firearms dealer licence; and
 - (ii) antique firearms; 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
 - (d) to verify licences and permits, and other prescribed documents or items, as required under this Act.

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15. 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 or permit to possess the firearm and the purchaser has seen, and verified, that licence or permit; 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
 - (d) is surrendering a firearm to the purchaser in accordance with section 109(1).

Penalty: Fine not exceeding 100 penalty units.

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(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 or permit to possess the firearm and the seller has seen, and verified, the licence or permit.

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

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- (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 or antique firearm permit through the agency of a licensed firearms dealer.

16. 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 a New Zealand citizen; or
 - (ii) a permanent resident of Australia whose genuine reason for holding the licence is –

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- (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) or (d), or both, if the Commissioner is satisfied that it is reasonable in the circumstances

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for the requirement not to apply
to the applicant.

**17. 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 a
New Zealand citizen; or
- (ii) a permanent resident of
Australia 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):

(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.

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- (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):
 - (iia) 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)”.

18. Section 36A amended (Renewal of licences)

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

- (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 a New Zealand citizen; or

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- (ii) a permanent resident of Australia 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 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.

19. 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:

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- (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

20. 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.

21. 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

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- (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 located or stored at an address for more than 24 hours, the licensee must notify the Commissioner in an approved form of the address –
 - (i) at least 24 hours before the firearm is located or stored at that address; or
 - (ii) if there is less than 24 hours' notice of the firearm being located or stored at that address, as soon as practicable, and no later than 24 hours, after the change in location occurs;

22. Section 47 amended (Special conditions of certain licences)

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

23. 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*

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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”.

24. 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 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), which may be

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extended by the Commissioner,
by written notice to the holder –

- (i) for one further period not exceeding 12 months; or
 - (ii) if, during the period specified in the notice under subsection (1), the Commissioner commences an assessment as to whether the holder is a fit and proper person to hold the licence – until the completion of that assessment; 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

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- (ii) any firearm parts or ammunition.

25. Section 55 substituted

Section 55 of the Principal Act is repealed and the following section is substituted:

55. Licence not required in certain circumstances

- (1) A person who is a resident of another State or a Territory is not required to hold a Category A firearms licence or a Category B firearms licence if the person –
 - (a) is the holder of a corresponding licence; and
 - (b) is residing in Tasmania for a period of less than 3 months in a 12-month period; and
 - (c) is possessing or using a firearm for one of the following purposes:
 - (i) participation in an approved shooting competition;
 - (ii) recreational hunting or vermin control, with the approval of the owner of the land on which it occurs;

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- (iii) primary production;
 - (iv) business or employment as a firearms dealer, security agent or security guard;
 - (v) a show, or exhibition, where the firearm is to be displayed or exhibited;
 - (vi) any other approved purpose.
- (2) A person who is a resident of another State or a Territory is not required to hold a Category H firearms licence if the person –
- (a) is the holder of a corresponding licence; and
 - (b) is residing in Tasmania for a period of less than 3 months in a 12-month period; and
 - (c) is possessing or using a firearm for one of the following purposes:
 - (i) participation in an approved shooting competition relating to handguns;
 - (ii) business or employment as a firearms dealer,

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security agent or security
guard;

(iii) any other approved
purpose.

26. 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.

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- (2) A firearms licence taken to be held by a person under subsection (1) is taken to be a firearms licence under this Act –
- (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.

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- (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 licence while the firearms licence is in force.

27. Section 57 substituted

Section 57 of the Principal Act is repealed and the following section is substituted:

57. Change in particulars of licence

The holder of a licence must notify the Commissioner of any change in any particulars specified in the licence –

- (a) at least 24 hours before the change occurs; or
- (b) if the change occurs without 24 hours' notice, as soon as practicable, and no later than 24 hours, after that change occurs.

Penalty: Fine not exceeding 50 penalty units.

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

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

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

29. Section 60 amended (General restrictions on granting permits)

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

30. Section 61 amended (Granting permit)

Section 61 of the Principal Act is amended as follows:

- (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”;

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- (f) by omitting from paragraph (d) “pistol” twice occurring and substituting “handgun”.

31. Divisions 3 and 4 inserted

After section 73A of the Principal Act, the following Divisions are inserted in Part 3:

Division 3 – Antique firearm permits

73B. Applications for antique firearm permits

- (1) A person may apply to the Commissioner for a permit to possess an antique firearm if the person –
 - (a) ordinarily resides in Tasmania;
and
 - (b) has attained the age of 18 years;
and
 - (c) is not currently, and has not been at any time in the 5-year period immediately before lodging the application, subject to –
 - (i) a restraint order or interim restraint order; or
 - (ii) a family violence order, interim family violence order or police family violence order; or

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- (iii) a firearms prohibition order; or
 - (iv) a recognised DVO; and
 - (d) is not currently, and has not been at any time in the 5-year period immediately before lodging the application, a serial family violence perpetrator within the meaning of the *Family Violence Act 2004*.
- (2) An application under subsection (1) is to be in an approved form.
- (3) Despite subsection (1), the Commissioner may accept and determine an application made by a person to whom subsection (1)(c) or (d) applies if the Commissioner believes, on reasonable grounds, that –
- (a) if an order referred to in subsection (1)(c) applies to the applicant –
 - (i) the order was withdrawn or revoked or otherwise dismissed by a court; and
 - (ii) it is appropriate in the circumstances for the Commissioner to consider the application; or

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- (b) if the applicant was a serial family violence perpetrator, within the meaning of the *Family Violence Act 2004* –
 - (i) the declaration of the applicant as a serial family violence perpetrator was discharged under that Act; and
 - (ii) it is appropriate in the circumstances for the Commissioner to consider the application.

73C. Determination of applications for antique firearm permits

After receiving an application under section 73B, the Commissioner –

- (a) may refuse to grant the application if, in the Commissioner’s opinion after having regard to any intelligence report or other information held by police in respect of the applicant, it would be contrary to the public interest to grant the permit to the applicant; and
- (b) in any other circumstances, is to grant an application under

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section 73B for an antique firearm permit subject to any condition that the Commissioner considers appropriate.

73D. Authority of antique firearm permits

- (1) An antique firearm permit authorises the holder to possess an antique firearm registered under Part 6B.
- (2) An antique firearm permit that authorises the holder to possess an antique firearm also authorises the holder to possess it while –
 - (a) taking it to a licensed firearms dealer for the purpose of maintenance or repair and subsequently recovering it from the dealer; or
 - (b) taking it to a licensed firearms dealer for the purpose of sale and subsequently recovering it from the dealer if not sold; or
 - (c) taking it for inspection and subsequently recovering it; or
 - (d) cleaning, or undertaking routine maintenance of, the firearm whilst it is in the permit holder's immediate custody and control; or

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- (e) conveying it from one place to another for the purpose of displaying the firearm in accordance with the permit; or
 - (f) taking it for the purpose of surrendering it.
- (3) The holder of an antique firearm permit may sell an antique firearm to, or purchase an antique firearm from, another holder of a licence or antique firearm permit through the agency of a licensed firearms dealer.

73E. Form of antique firearm permits

- (1) An antique firearm permit is to –
 - (a) be in an approved form; and
 - (b) specify any condition to which it is subject; and
 - (c) contain any other prescribed matter.
- (2) It is a condition of an antique firearm permit that the holder of the permit must permit a police officer to inspect, at any reasonable time, the holder's arrangements for the storage and safekeeping of an antique firearm in the holder's possession.

73F. Cancellation of antique firearm permits

- (1) The Commissioner may cancel an antique firearm permit –
 - (a) if another antique firearm permit would be refused to the holder; or
 - (b) if the holder of the antique firearm permit supplied information which, to his or her knowledge, was false or misleading in connection with the application for the permit; or
 - (c) if the holder of the antique firearm permit contravenes a provision of this Act, regardless of whether the holder has been convicted of an offence in respect of the contravention; or
 - (d) if the holder of the antique firearm permit fails to comply with any condition of the permit; or
 - (e) for any other prescribed reason.
- (2) The Commissioner is to cancel an antique firearm permit by serving, on the holder of the permit, a notice stating –
 - (a) that the permit is cancelled; and
 - (b) the reasons for cancelling it.

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- (3) The cancellation of an antique firearm permit takes effect on the date on which it is served.
- (4) If the Commissioner cancels an antique firearm permit, the Commissioner may cause –
 - (a) the permit to be seized; and
 - (b) any antique firearm in the possession of the holder of the permit to be seized.

73G. Duration of antique firearm permits

An antique firearm permit continues in force until whichever of the following first occurs:

- (a) the permit is cancelled under section 73F;
- (b) the holder of the permit –
 - (i) dies; or
 - (ii) by notice in writing to the Commissioner, surrenders the permit.

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73H. Holders of antique firearm permit must comply with permit

The holder of an antique firearm permit must comply with the conditions of the permit.

Penalty: Fine not exceeding 25 penalty units.

73I. Change in particulars of antique firearm permits

The holder of an antique firearm permit must notify the Commissioner of any change in any particulars specified in the permit –

- (a) at least 24 hours before that change occurs; or
- (b) if the change occurs without 24 hours' notice, as soon as practicable, and no later than 24 hours, after that change occurs.

Penalty: Fine not exceeding 25 penalty units.

Division 4 – Miscellaneous

73J. Commissioner may seek further information

- (1) Before granting an application for a permit under this Part, the Commissioner may do any or all of the following:

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- (a) make an inquiry or conduct an investigation into the applicant or the application;
 - (b) require the applicant to provide any further information the Commissioner reasonably needs to be satisfied about the applicant's identity or physical or mental health including –
 - (i) a report from a medical practitioner about the applicant's physical health; and
 - (ii) a report from a medical practitioner or psychologist about the applicant's mental health;
 - (c) provide, for inspection, information or a document relevant to the applicant's identity to a police officer or an employee of the Department.
- (2) If the Commissioner suspects, on reasonable grounds, that the applicant's stated identity is false or misleading, the Commissioner may require the applicant to provide an identifying particular to verify the applicant's identity.
- (3) The applicant is taken to have withdrawn the application if, within a period

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specified by the Commissioner, the applicant –

- (a) refuses or fails to provide the information reasonably required under subsection (1)(b); or
 - (b) refuses to allow the inspection under subsection (1)(c); or
 - (c) fails to comply with a requirement under subsection (2).
- (4) If information about the applicant's mental health given under subsection (1)(b) is provided in a medical practitioner's or psychologist's report, the Commissioner may –
 - (a) make information in the Commissioner's possession available to the medical practitioner or psychologist; and
 - (b) ask the medical practitioner or psychologist to provide a further report.
- (5) The Commissioner may make information available under subsection (4) only if the Commissioner considers, on reasonable grounds, that –
 - (a) the medical practitioner or psychologist was not aware of the information; and

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- (b) the information may influence the medical practitioner's or psychologist's opinion about the applicant's mental health.
- (6) The Commissioner must advise the applicant of the fact that information is being supplied, under subsection (4), to the medical practitioner or psychologist.
- (7) The Commissioner may make information available under subsection (4) despite the provisions of any other Act.
- (8) Unless the Commissioner considers that an identifying particular obtained in the course of inquiries into the application is currently required for the investigation of an offence, the Commissioner must, after deciding the application –
 - (a) either –
 - (i) return the identifying particular to the applicant; or
 - (ii) destroy the identifying particular and notify the applicant in writing of its destruction; and
 - (b) destroy any record or copy of the identifying particular.

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- (9) Information required to be supplied under this section may be used only to decide the application or to investigate or prosecute an offence and must not be disclosed for any other purpose.
- (10) For the purposes of this section –
- identifying particular* includes –
- (a) fingerprints; and
 - (b) DNA; and
 - (c) any other means by which a person may be identified.

73K. Commissioner may require list of firearms in possession of permit holder to be provided

The Commissioner, by notice given to a permit holder, may require the permit holder to provide to the Commissioner a list of all firearms in the possession of the permit holder.

32. Section 74 amended (Unregistered firearms)

Section 74(2) of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (ab):
 - (ac) an antique firearm that is registered under Part 6B; or

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- (b) by omitting from paragraph (b) “7 days” and substituting “24 hours”.

33. 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.

34. 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 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”;

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- (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

(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 –

(a) the Australian Criminal Intelligence Commission established by section 7 of the *Australian Crime Commission Act 2002* of the Commonwealth; or

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- (b) such other department or entity of the Commonwealth that is prescribed for the purposes of this definition.

35. Section 87B inserted

After section 87A of the Principal Act, the following section is inserted in Part 5:

87B. Requirements for registered antique firearms

- (1) The holder of an antique firearm permit must comply with the prescribed requirements in respect of the storage of –
 - (a) any firearm to which the permit applies; and
 - (b) any firearm part for such a firearm.

Penalty: Fine not exceeding 60 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (2) If an antique firearm is to be placed on display, the person in possession of the antique firearm must comply with each of the following requirements while the firearm is on display:

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- (a) the firearm is to be displayed –
 - (i) on a rack on a wall, or on a free-standing rack, onto which the firearm is locked; or
 - (ii) in a display case that is locked and not easily penetrable;
 - (b) the rack or display case referred to in paragraph (a) is to be fixed or secured –
 - (i) by means of at least 4 masonry fixing bolts, or coach screws, into a wall or the floor, so as to prevent easy removal of the rack or case; or
 - (ii) as otherwise prescribed;
 - (c) the rack or display case referred to in paragraph (a) is to be made of materials of sufficient strength to prevent the theft of the firearm;
 - (d) any other prescribed safekeeping requirement.

Penalty: Fine not exceeding 10 penalty units or imprisonment for a term not exceeding 6 months, or both.

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- (3) For the avoidance of doubt, section 84 applies to an antique firearm while the antique firearm is not on display.
- (4) This section does not apply to the holder of an antique firearm permit if the permit holder satisfies the Commissioner that the permit holder has provided alternative arrangements, for the storage of antique firearms, firearms parts and ammunition in the permit holder's possession, that are of a standard not less than the prescribed requirements.

36. 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):
 - (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.

37. Section 93 amended (Quarterly returns)

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

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- (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.

38. Section 98 amended (Repair)

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

39. Part 6B inserted

After section 99H of the Principal Act, the following Part is inserted:

PART 6B – ANTIQUE FIREARMS

99I. Antique firearms must be registered

A person must not sell, acquire or possess an antique firearm that is not registered under –

- (a) this Part; or
- (b) Part 4 or a law of another jurisdiction that is equivalent to Part 4.

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

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99J. Application for registration of antique firearms

- (1) A person may apply for an antique firearm to be registered under this Part.
- (2) An application for the registration of an antique firearm –
 - (a) is to be –
 - (i) in an approved form; and
 - (ii) lodged with the Commissioner; and
 - (b) must include –
 - (i) the name and address of the applicant; and
 - (ii) information about the type of antique firearm to be registered including, but not limited to, the prescribed information; and
 - (iii) information about where and how the antique firearm is to be stored.
- (3) For the avoidance of doubt, nothing in this Part prevents a firearm manufactured before 1 January 1900 from being registered in accordance with Part 4.

99K. Restriction on registration of antique firearms

The Commissioner must not register an antique firearm under this Part unless –

- (a) the proposed registrant holds an antique firearm permit; and
- (b) the Commissioner is satisfied that it would not be contrary to the public interest to register the antique firearm.

99L. Effect of registration of antique firearms

- (1) If an antique firearm is registered under this Part, the Commissioner is to issue a certificate of registration, in respect of the antique firearm, to the registrant.
- (2) A person must not alter a certificate of registration issued under this section.

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

- (3) An antique firearm that is registered under this Part is to be recorded in the register compiled and maintained under section 83 as if the antique firearm were registered under Part 4.

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99M. Duration of registration of antique firearms

- (1) The registration of an antique firearm under this Part is in force until whichever of the following first occurs:
 - (a) the registration of the firearm is cancelled under subsection (2);
 - (b) the firearm is registered under Part 4.
- (2) The Commissioner may, by notice in writing served on the registrant in respect of an antique firearm, cancel the registration of the antique firearm if –
 - (a) the registrant is no longer the holder of a licence or permit in respect of that firearm; or
 - (b) the registrant ceases to own the firearm; or
 - (c) the registrant made a false or misleading statement in connection with the application for registration under section 99J; or
 - (d) the registrant is convicted of an offence under this Act or a prescribed offence; or
 - (e) the registrant has requested the cancellation of the registration; or

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- (f) prescribed circumstances exist in respect of the firearm or the registrant.
 - (3) If the registration of an antique firearm is cancelled under subsection (2) –
 - (a) the person in whose name the antique firearm was registered must immediately surrender it to a police officer; and
 - (b) a police officer may seize the antique firearm.

99N. Certain persons to provide information relating to antique firearms

- (1) If there is a change in the storage location for an antique firearm, the registrant in respect of the firearm must notify the Commissioner, in the approved form, of the change in the location, and the details of the new storage location, for the firearm –
 - (a) at least 24 hours before that change of location occurs; or
 - (b) if the change of location occurs without 24 hours' notice, as soon as practicable, and no later than 24 hours, after that change occurs.

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Penalty: Fine not exceeding 25 penalty units.

- (2) If there is a change in a particular specified in the certificate of registration issued under this Part in respect of an antique firearm, the registrant in respect of the firearm must notify the Commissioner, of the new particular and in an approved form –
- (a) at least 24 hours before that change occurs; or
 - (b) if the change occurs without 24 hours' notice, as soon as practicable, and no later than 24 hours, after that change occurs.

Penalty: Fine not exceeding 25 penalty units.

- (3) If a firearms dealer sells an antique firearm, the firearms dealer must provide the Commissioner with the following details as soon as practicable, and no later than 24 hours after, the sale:
- (a) the name and contact details for –
 - (i) the former owner of the antique firearm; and
 - (ii) the new owner of the antique firearm;

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- (b) evidence, in an approved form, that the new owner is the holder of an antique firearm permit or a valid firearms licence;
- (c) the changes in the particulars specified in the certificate of registration, issued under this Part in respect of the firearm, as a result of the sale.

Penalty: Fine not exceeding 50 penalty units.

99O. Information to be provided to police in relation to antique firearms

- (1) The registrant in respect of, or a person in possession of, an antique firearm must provide a police officer with information about the antique firearm if requested to do so by the police officer.

Penalty: Fine not exceeding 10 penalty units.

- (2) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that –
 - (a) the defendant did not know, and could not reasonably be expected to have known, the information requested by the police officer; and

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- (b) the defendant provided all information, known to the defendant, as to who may know the information requested by the police officer.

99P. Offences relating to antique firearms

- (1) If an antique firearm registered under this Part, or a certificate of registration issued in respect of such a firearm, is lost or stolen, the registrant must notify the Commissioner with particulars of the loss, or theft, as soon as practicable but not later than 7 days after becoming aware of the loss or theft.

Penalty: Fine not exceeding 50 penalty units.

- (2) A registrant in relation to an antique firearm registered under this Part must –

- (a) produce the antique firearm; and
- (b) produce the certificate of registration for the antique firearm –

for inspection at any reasonable time when requested to do so by a police officer.

Penalty: Fine not exceeding 50 penalty units.

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- (3) A registrant in relation to an antique firearm registered under this Part must not be in possession of any ammunition for the firearm unless –
- (a) the registrant is the holder of a firearms licence under this Act or is otherwise in lawful possession of a firearm under this Act; and
 - (b) the ammunition is for use in the firearm which the registrant may lawfully possess under that licence or this Act.

Penalty: Fine not exceeding 50 penalty units.

40. 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,”.

41. 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.

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42. 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 omitting from subsection (6) “or may be tried summarily”;
- (c) 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 defendant consent.

43. Section 110A amended (Unlawful trafficking in firearms)

Section 110A of the Principal Act is amended as follows:

- (a) by inserting the following subsections after subsection (3):
 - (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

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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 defendant consent.

(b) by inserting “or section 99I” after “section 74(1)” in the definition of *registrable firearms* in subsection (4).

44. 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

(1) 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.

(2) An offence against subsection (1) is to be tried summarily.

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45. Section 118 amended (Suppressors and magazines)

Section 118(1) of the Principal Act is amended by omitting “firearm sound”.

46. 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”.

47. 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 –

on-lend, in relation to a firearm,
means that a person who is not
the owner of the firearm gives

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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) if the firearm is to be lent for
more than 24 hours or there will
be a change in storage location
for the firearm, 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, for the purpose of the number of firearms that the other person may possess.

48. 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;

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- (b) by omitting from subsection (1)(b) “firearm sound”;
 - (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”.

49. 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 a suppressor”.

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

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- (c) by omitting from subsection (2) “a firearm” second occurring and substituting “that item”.

51. 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”.

52. Section 139 amended (Firearms dealers premises)

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

53. Section 141 amended (Reviews)

Section 141 of the Principal Act is amended as follows:

- (a) by inserting the following paragraphs after paragraph (c) in subsection (1):
 - (ca) the refusal to grant an application under section 73B for an antique firearm permit; or

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- (cb) the cancellation of an antique firearm permit under section 73F; or
 - (b) by inserting the following paragraphs after paragraph (db) in subsection (1):
 - (dc) the refusal to register an antique firearm under Part 6B; or
 - (dd) the cancellation, under Part 6B, of the registration of an antique firearm; or
 - (c) by omitting from subsection (1)(e) “rifle club” and substituting “rifle shooting club”;
 - (d) by omitting from subsection (1)(e) “pistol” and substituting “handgun”;
 - (e) by inserting in subsection (4)(a) “or section 73C” after “section 29(3)(e)”.

54. Section 148 amended (Disclosure of certain information)

Section 148 of the Principal Act is amended as follows:

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

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55. 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”.

56. 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”.

57. Section 155 amended (Exemptions)

Section 155 of the Principal Act is amended as follows:

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- (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 inserting the following subsection after subsection (3):
 - (3A) The Commissioner may exempt a person or class of persons from any provision of this Act relating to the possession or use of a firearm or ammunition –
 - (a) for an event, or activity, specified in the exemption; and
 - (b) subject to any conditions the Commissioner considers appropriate.
 - (f) by omitting from subsection (4)(d) “firearm sound”.

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58. 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”;
- (c) by omitting from paragraph (i) “rifle club” and substituting “rifle shooting club”;
- (d) by omitting from paragraph (i) “pistol” and substituting “handgun”.

59. Section 164A inserted

After section 164 of the Principal Act, the following section is inserted in Part 11:

164A. Savings and transitional provisions consequent on the commencement of the *Firearms Amendment (Strengthening Firearms Security) Act 2026*

- (1) In this section –

amending Act means the *Firearms Amendment (Strengthening Firearms Security) Act 2026*;

relevant firearm means –

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- (a) a straight pull action firearm; or
 - (b) a button or lever release firearm.
 - (2) A licence holder is taken to hold the category of licence required for the licence holder to possess a relevant firearm if –
 - (a) immediately before section 14 or 15 was amended by the amending Act (the *relevant amendment*), the licence holder –
 - (i) was the registrant in respect of the relevant firearm; and
 - (ii) held a firearms licence of a category that entitled the licence holder to lawfully possess the relevant firearm (the *former licence category*); and
 - (b) after the relevant amendment commences, the licence holder –
 - (i) continues to be the registrant in respect of the relevant firearm; and
 - (ii) continues, without interruption, to hold a firearms licence of the

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former licence category;
and

- (iii) is otherwise authorised, under this Act, to lawfully possess the relevant firearm, other than by virtue of a firearms licence of the category that applies in respect of the relevant firearm.

- (3) A licence holder is taken to meet the citizenship requirements of sections 28, 29 and 36A in respect of an application for the issue, or renewal, of a licence under this Act if –

- (a) immediately before the citizenship requirements in sections 28, 29 and 36A of this Act were amended by the amending Act (the ***relevant amendment***), the licence holder was granted a licence under this Act; and

- (b) after the relevant amendment commences, the application by the licence holder –

- (i) relates to the licence held by the licence holder before the relevant

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amendment commenced;
or

- (ii) relates to a licence that was not held by the licence holder before the relevant amendment commenced but is for the same genuine reason as a licence that was held by the licence holder before the relevant amendment commenced.
- (4) Despite subsection (3), an application under section 28 or 36A by a licence holder to whom that subsection applies may be refused for any reason other than citizenship.
- (5) For the purpose of this Act –
- (a) a reference to a pistol in any licence, permit, approval or other instrument issued or granted under this Act is taken, on and after the commencement of section 5(k) of the amending Act, to be a reference to a handgun; and
 - (b) a reference to a pistol shooting club is taken, on and after the commencement of section 5(k) of the amending Act, to be a

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reference to a handgun shooting club; and

- (c) an authorisation, in accordance with section 28(2)(ca), to be contained as part of an application for a licence, that is made after section 16(d) of the amending Act commences, is not invalid solely on the basis that the authorisation refers to an approved pistol shooting club rather than an approved handgun shooting club.

60. 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:

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10. A prohibited handgun.

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Part 3 – Sentencing Act 1997 Amended

PART 3 – SENTENCING ACT 1997 AMENDED

61. Principal Act

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

62. 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 firearms 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.