



New South Wales

Firearms Amendment (Public Safety) Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

The *Summary Offences Amendment (Public Safety) Bill 2002* is cognate with this Bill.

Overview of Bill

The objects of this Bill are as follows:

- (a) to authorise the use of dogs by police officers for the purpose of detecting offences in relation to firearms and explosives and for the purpose of carrying out random detection of firearms and explosives in public places,
- (b) to create a separate offence of manufacturing firearms without a licence or permit under the *Firearms Act 1996*,
- (c) to create a separate offence, designed to target illegal trafficking in firearms, of unauthorised possession of 3 or more unregistered firearms,
- (d) to modify provisions relating to firearms dealers,

- (e) to provide mandatory grounds for refusing to issue a licence or permit on the basis of criminal intelligence held in relation to the applicant,
- (f) to make other miscellaneous amendments (including amendments of a consequential nature) to the *Firearms Act 1996* and the *Criminal Procedure Act 1986*,
- (g) to include devices (known as “brass catchers”) that catch ejected cartridges as things that are prohibited weapons under the *Weapons Prohibition Act 1998*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Firearms Act 1996* set out in Schedules 1 and 2.

Clause 4 is a formal provision giving effect to the amendments to the Acts and the regulation set out in Schedule 3.

Schedule 1 Amendment of Firearms Act 1996

Use of dogs to detect firearms and explosives

Schedule 1 [15] inserts a new Part 6A in the Act that will authorise police officers to use dogs for the purpose of detecting offences relating to the unlawful possession or use of firearms or explosives, and to use dogs for the purpose of carrying out general (ie random) firearms or explosives detection in public places without a warrant. The provisions are based on similar powers under the *Police Powers (Drug Detection Dogs) Act 2001* in relation to prohibited drugs, although general firearms or explosives detection can be carried out without a warrant in any public place.

Manufacturing of firearms and provisions relating to firearms dealers

Schedule 1 [12] creates a specific offence of manufacturing firearms without a licence or permit. Even though firearms manufacturing is presently regulated, the existing offence under section 43 of the Act is directed at firearms dealers who are

carrying on a business. The new offence will operate regardless of whether the unauthorised person is manufacturing a firearm in the course of carrying on a business.

Schedule 1 [1] replaces the definition of *firearms dealer* in section 4 (1) to more accurately reflect the activities that are carried on by firearms dealers and club armourers. **Schedule 1 [2], [3] and [5]** are consequential amendments.

Schedule 1 [4] enables the regulations to prescribe sub-categories of firearms licences and to specify the authority conferred by each such sub-category.

Schedule 1 [11] restates the offence provision requiring persons who carry on activities as firearms dealers to be licensed as firearms dealers.

Unauthorised possession of multiple firearms

Schedule 1 [13] creates a new offence of being in possession of more than 3 unregistered firearms without the authority of a licence or permit. The offence is designed to target illegal suppliers who are in possession of multiple firearms.

Restrictions on issuing firearm licences and permits

Schedule 1 [6] provides for the mandatory refusal of an application for a licence on the grounds that the Commissioner of Police, having regard to any criminal intelligence report or other criminal information in relation to the applicant, is of the opinion that the applicant is a risk to public safety. **Schedule 1 [9]** makes the same amendment in relation to the issuing of permits, and **Schedule 1 [7], [8] and [10]** are consequential amendments.

Schedule 1 [16] provides that certain provisions of the *Administrative Decisions Tribunal Act 1997* (eg the requirement to provide the applicant with reasons for decisions) do not apply to an application to the Tribunal for a review of a decision to refuse to issue a licence or permit on the grounds referred to above. The Tribunal is also required, if an application for review of the decision is made, not to disclose the existence or content of any criminal intelligence report or criminal information that formed the basis of the refusal to issue the licence or permit.

Schedule 1 [17] provides that the Commissioner's functions in relation to the refusal to issue a licence or permit on the grounds of the applicant being a risk to public safety cannot be delegated.

Other miscellaneous amendments

Schedule 1 [14] creates 2 new offences in connection with converting firearms. Proposed section 63 (3) prohibits a person from altering the construction or action of a non-prohibited firearm so as to convert it into a prohibited firearm (these are listed in Schedule 1 to the Act and include any self-loading (ie semi-automatic) rifle or self-loading or pump action shotgun). Proposed section 63 (4) prohibits a person from providing another person with any information or thing that the person knows is to be used for the purpose of altering the construction or action of a firearm if the other person is not authorised to possess a firearm of the kind to which it is capable of being so altered.

Schedule 1 [18] and [19] clarify the manner in which offences under the Act are to be dealt with. As presently provided, a number of indictable offences are, in accordance with the *Criminal Procedure Act 1986*, to be dealt with summarily unless the prosecution elects otherwise.

Schedule 1 [20] enables regulations of a savings or transitional nature to be made as a consequence of the proposed Act. **Schedule 1 [21]** provides that the amendments relating to the mandatory refusal to issue a licence or permit on the grounds of the applicant being a risk to public safety extend to existing applications. The amendment also extends the duration of firearms dealer licences that are due to expire before the end of 2002 for a further 6 months.

Schedule 2 Miscellaneous amendments to Firearms Act 1996 to clarify operation of existing penalties

Schedule 2 contains a number of amendments that merely restate (but do not increase) the existing penalties for certain indictable offences under the Act and in some cases restate the existing offence to take into account the fact that a higher penalty is currently applicable when a prohibited firearm or pistol is involved. The purpose of these amendments is to clarify the existing arrangement in which certain indictable offences under the Act are, in accordance with the *Criminal Procedure Act 1986*, to be dealt with summarily unless the prosecution elects otherwise. However, certain indictable offences (such as the existing offence under section 51B of selling firearms on an ongoing basis, or the new offence under section 50A (2) of unauthorised manufacture of a prohibited firearm or pistol) can only ever be prosecuted on indictment (see **Schedule 1 [19]** which replaces section 84 (3) of the *Firearms Act 1996*).

Schedule 3 Amendment of other legislation

Schedule 3.1 [2] amends the *Criminal Procedure Act 1986* to provide that the indictable offence under section 33B (1) of the *Crimes Act 1900* (relating to the use or possession of an offensive weapon or instrument, or threatening injury to any person or property, with intent to commit an indictable offence or to resist arrest) is to be dealt with summarily unless the prosecution or the person charged elects otherwise.

Schedule 3.1 [1] amends the *Criminal Procedure Act 1986* to specify the penalty for certain indictable offences under the *Firearms Act 1996* when they are dealt with summarily. **Schedule 3.1 [3]** also amends that Act to specify the indictable offences under the *Firearms Act 1996* that are to be dealt with summarily (unless the prosecution elects otherwise).

Schedule 3.2 amends the *Weapons Prohibitions Act 1998* to add “brass catchers” to the list of things that are prohibited weapons under that Act.

Schedule 3.3 amends the *Weapons Prohibition Regulation 1999* to exempt licensed shooters from the requirement to have a permit to possess or use a brass catcher.



New South Wales

Firearms Amendment (Public Safety) Bill 2002

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New South Wales

Firearms Amendment (Public Safety) Bill 2002

No. , 2002

A Bill for

An Act to amend the *Firearms Act 1996* to authorise the use of dogs by police officers to detect firearms and explosives in public places and to make further provision with respect to the regulation and control of firearms; to amend the *Weapons Prohibition Act 1998* and the *Criminal Procedure Act 1986*; and for other purposes.

See also *Summary Offences Amendment (Public Safety) Bill 2002*.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Firearms Amendment (Public Safety) Act 2002</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Firearms Act 1996 No 46	7
The <i>Firearms Act 1996</i> is amended as set out in Schedules 1 and 2.	8
4 Amendment of other legislation	9
The Acts and the regulation specified in Schedule 3 are amended as set out in that Schedule.	10 11

Schedule 1	Amendment of Firearms Act 1996	1
	(Section 3)	2
[1]	Section 4 Definitions	3
	Omit the definition of <i>firearms dealer</i> from section 4 (1). Insert instead:	4
	<i>firearms dealer</i> means a person who, in the course of carrying	5
	on a business or in carrying out the person’s duties as a club	6
	armourer:	7
	(a) manufactures, purchases, sells, transfers, tests, repairs or	8
	converts firearms or firearm parts, and	9
	(b) possesses firearms or firearm parts for the purpose of	10
	doing anything referred to in paragraph (a).	11
[2]	Section 4 (1)	12
	Insert in alphabetical order:	13
	<i>test</i> a firearm or firearm part includes carry out developmental	14
	work or research into the manufacture of a firearm or firearm	15
	part.	16
[3]	Section 8 Licence categories and authority conferred by licence	17
	Insert “convert,” after “manufacture,” where firstly and thirdly occurring	18
	under the category heading “ Firearms dealer licence ” in section 8 (1).	19
[4]	Section 8 (2)	20
	Insert “and firearms dealer licences, and specify the authority conferred by	21
	each such sub-category” after “licences”.	22
[5]	Section 9 Authority conferred by licence—additional matters	23
	Omit “altered (otherwise than to convert it into a prohibited firearm)” from	24
	section 9 (1) (a) (ii).	25
	Insert instead “converted”.	26

[6] Section 11 General restrictions on issue of licences	1
Insert after section 11 (5):	2
(5A) A licence must not be issued to a person if the Commissioner is of the opinion, having regard to any criminal intelligence report or other criminal information held in relation to the person, that:	3
(a) the person is a risk to public safety, and	4
(b) the issuing of the licence would be contrary to the public interest.	5
(5B) The Commissioner is not, under this or any other Act or law, required to give any reasons for not issuing a licence on the grounds referred to in subsection (5A).	6
[7] Section 11 (7)	7
Omit “The”. Insert instead “Despite any other provision of this section, the”.	8
[8] Section 11 (8)	9
Omit the note following the subsection.	10
[9] Section 29 General restrictions on issuing permits	11
Insert after section 29 (3):	12
(3A) A permit must not be issued to a person if the Commissioner is of the opinion, having regard to any criminal intelligence report or other criminal information held in relation to the person, that:	13
(a) the person is a risk to public safety, and	14
(b) the issuing of the permit would be contrary to the public interest.	15
(3B) The Commissioner is not, under this or any other Act or law, required to give reasons for not issuing a permit on the grounds referred to in subsection (3A).	16
[10] Section 29 (4)	17
Omit “The”. Insert instead “Despite any other provision of this section, the”.	18

[11] Section 43	1
Omit the section. Insert instead:	2
43 Firearms dealers must be licensed	3
A person must not:	4
(a) carry on activities as a firearms dealer, or	5
(b) possess a firearm in the person's capacity as a firearms dealer,	6
	7
unless authorised to do so by a firearms dealer licence.	8
Maximum penalty: imprisonment for 7 years.	9
[12] Section 50A	10
Insert after section 50:	11
50A Unauthorised manufacture of firearms	12
(1) A person who manufactures a firearm is guilty of an offence under this subsection unless the person is authorised by a licence or permit to manufacture the firearm.	13
	14
	15
Maximum penalty: imprisonment for 10 years.	16
(2) A person who manufactures a prohibited firearm or pistol is guilty of an offence under this subsection unless the person is authorised by a licence or permit to manufacture the prohibited firearm or pistol.	17
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Maximum penalty: imprisonment for 20 years.	21
(3) Without limiting the operation of subsection (1) or (2), those subsections apply to a person regardless of whether the firearm concerned was manufactured in the course of carrying on a business.	22
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(4) If on the trial of a person for an offence under subsection (2) the jury is not satisfied that the accused is guilty of the offence charged but is satisfied on the evidence that the accused is guilty of an offence under subsection (1), it may find the accused not guilty of the offence charged but guilty of an offence under subsection (1), and the accused is liable to punishment accordingly.	26
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(5) In this section:	1
<i>manufacture</i> a firearm includes assemble a firearm from firearm parts.	2 3
[13] Section 51D	4
Insert after section 51C:	5
51D Unauthorised possession of firearms in aggravated circumstances	6 7
(1) A person who is in possession of more than 3 firearms is guilty of an offence under this subsection if:	8 9
(a) the firearms are not registered, and	10
(b) the person is not authorised by a licence or permit to possess the firearms.	11 12
Maximum penalty: imprisonment for 10 years.	13
(2) A person who is in possession of more than 3 firearms any one of which is a prohibited firearm or pistol is guilty of an offence under this subsection if:	14 15 16
(a) the firearms are not registered, and	17
(b) the person is not authorised by a licence or permit to possess the firearms.	18 19
Maximum penalty: imprisonment for 20 years.	20
(3) If on the trial of a person for an offence under subsection (2) the jury is not satisfied that the accused is guilty of the offence charged but is satisfied on the evidence that the accused is guilty of an offence under subsection (1), it may find the accused not guilty of the offence charged but guilty of an offence under subsection (1), and the accused is liable to punishment accordingly.	21 22 23 24 25 26 27

[14] Section 63 Converting firearms	1
Insert after section 63 (2):	2
(3) A person must not, unless authorised to do so by a permit, alter the construction or action of a firearm that is not a prohibited firearm so as to convert it into a prohibited firearm.	3 4 5
Maximum penalty: imprisonment for 10 years.	6
(4) A person must not provide another person with any information or thing that the person knows, or could reasonably be expected to know, is to be used for the purpose of altering the construction or action of a firearm if the other person is not authorised by a licence or permit to possess a firearm of the kind to which it is capable of being so altered.	7 8 9 10 11 12
Maximum penalty: imprisonment for 10 years.	13
[15] Part 6A	14
Insert after Part 6:	15
Part 6A Use of dogs to detect firearms and explosives	16 17
72A Definitions	18
(1) In this Part:	19
<i>premises</i> means any building or structure, vehicle, vessel or aircraft and any place, whether built on or not.	20 21
<i>public place</i> includes:	22
(a) a place (whether or not covered by water), or part of premises, that is open to the public or is used by the public, whether or not on payment of money or other consideration, whether or not the place or part is ordinarily so open or used and whether or not the public to whom it is open consists only of a limited class of persons, and	23 24 25 26 27 28 29
(b) a road, or a road related area, within the meaning of the <i>Road Transport (General) Act 1999</i> .	30 31

	<i>relevant firearm or explosives offence</i> means an offence under this or any other Act involving the possession or use of a firearm or explosive.	1 2 3
72B	Part does not confer power of entry or detention	4
	Nothing in this Part confers on a police officer a power:	5
	(a) to enter any premises that the officer is not otherwise authorised to enter, or	6 7
	(b) to detain a person who the officer is not otherwise authorised to detain.	8 9
72C	General authority to use dogs for detecting firearms or explosives	10 11
	(1) If a police officer is authorised to search a person for the purpose of detecting a relevant firearms or explosives offence, the officer is entitled to use a dog for that purpose.	12 13 14
	(2) A police officer is, for the purpose of detecting a relevant firearms or explosives offence, entitled to be accompanied by a dog under the officer's control if the officer is entitled to enter, or be in or on, particular premises in the exercise of the officer's functions.	15 16 17 18 19
	(3) Neither the State nor a police officer is liable to any action, liability, claim or demand merely because a dog entered, or was in or on, premises as provided by subsection (2).	20 21 22
72D	General firearms or explosives detection using dogs	23
	(1) For the purposes of this section, <i>general firearms or explosives detection</i> is the detection or tracking of firearms or explosives, including live or spent ammunition or any residue from a firearm or explosive, in a public place (including in any vehicle in a public place or in the possession of a person who is in a public place).	24 25 26 27 28 29
	(2) A police officer is authorised to use a dog to carry out general firearms or explosives detection without a warrant.	30 31
	(3) A police officer carrying out general firearms or explosives detection under this section is to take all reasonable precautions to prevent the dog touching a person.	32 33 34

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| (4) A police officer is required to keep a dog under control when the officer is using the dog to carry out general firearms or explosives detection under this section. | 1
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| (5) The provisions of this section do not affect the search of a person whom a police officer reasonably suspects is committing a relevant firearms or explosives offence. | 4
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| 72E Monitoring by Ombudsman | 7 |
| (1) For the period of 2 years after the commencement of this section, the Ombudsman is to keep under scrutiny the exercise of the powers conferred on police officers by this Part. | 8
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| (2) For that purpose, the Ombudsman may require the Commissioner of Police to provide information about the exercise of those powers. | 11
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| (3) The Ombudsman must, as soon as practicable after the expiration of that 2-year period, prepare a report on the exercise of those powers and furnish a copy of the report to the Minister and the Commissioner of Police. | 14
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| (4) The Minister is to lay (or cause to be laid) a copy of the report before both Houses of Parliament as soon as practicable after the Minister receives the report. | 18
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| (5) If a House of Parliament is not sitting when the Minister seeks to lay a report before it, the Minister may present copies of the report to the Clerk of the House concerned. | 21
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| (6) The report: | 24 |
| (a) is, on presentation and for all purposes, taken to have been laid before the House, and | 25
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| (b) may be printed by authority of the Clerk of the House, and | 27
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| (c) if so printed, is for all purposes taken to be a document published by or under the authority of the House, and | 29
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| (d) is to be recorded: | 31 |
| (i) in the case of the Legislative Council, in the Minutes of the Proceedings of the Legislative Council, and | 32
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	(ii) in the case of the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly,	1 2 3
	on the first sitting day of the House after receipt of the report by the Clerk.	4 5
[16]	Section 75 Review by Administrative Decisions Tribunal of certain decisions	6 7
	Insert after section 75 (3):	8
	(4) The following provisions of the <i>Administrative Decisions Tribunal Act 1997</i> do not apply to an application to the Administrative Decisions Tribunal for a review of a decision referred to in subsection (1) (a) or (c) that was made on the grounds referred to in section 11 (5A) or 29 (3A):	9 10 11 12 13
	(a) Part 2 of Chapter 5,	14
	(b) section 58.	15
	(5) In determining an application for a review of any such decision, the Administrative Decisions Tribunal:	16 17
	(a) is to ensure that it does not, in the reasons for its decision or otherwise, disclose the existence or content of any criminal intelligence report or other information referred to in section 11 (5A) or 29 (3A), and	18 19 20 21
	(b) in order to prevent the disclosure of any such report or other information, is to receive evidence and hear argument in the absence of the public, the applicant for review and the applicant's representative.	22 23 24 25
[17]	Section 81 Delegation	26
	Insert "or the Commissioner's functions under section 11 (5A) or 29 (3A)" after "delegation" in section 81 (1).	27 28
[18]	Section 84 Proceedings for offences	29
	Omit "Proceedings" from section 84 (1).	30
	Insert instead "Except as provided by this section, proceedings".	31

[19] Section 84 (2) and (3)	1
Omit the subsections. Insert instead:	2
(2) An offence under section 7, 36, 43, 44A, 50, 50A (1), 51 (1) or (2), 51A, 51D (1), 62, 63, 64, 66, 70, 72 (1) or 74 may be prosecuted on indictment. However, Division 3 of Part 2 of the <i>Criminal Procedure Act 1986</i> (which relates to the summary disposal of certain indictable offences unless an election is made by the prosecution to proceed on indictment) applies to and in respect of an offence referred to in this subsection.	3 4 5 6 7 8 9
(3) An offence under section 50A (2), 51 (1A) or (2A), 51B or 51D (2) is to be prosecuted on indictment only.	10 11
[20] Schedule 3 Savings and transitional provisions	12
Insert at the end of clause 1 (1):	13
(c) the <i>Firearms Amendment (Public Safety) Act 2002</i> .	14
[21] Schedule 3	15
Insert after Part 3 of the Schedule:	16
Part 4 Provisions consequent on enactment of Firearms Amendment (Public Safety) Act 2002	17 18
17 Restrictions on issuing licences or permits	19
The amendments made by Schedule 1 [6] and [9] to the <i>Firearms Amendment (Public Safety) Act 2002</i> extend to an application for a licence or permit made (but not yet determined) before the commencement of those amendments.	20 21 22 23
18 Existing firearms dealer licences	24
(1) This clause applies to a firearms dealer licence that is due to expire on or before 31 December 2002.	25 26
(2) Any such licence continues in force until 30 June 2003 unless it is sooner surrendered or revoked or otherwise ceases to be in force.	27 28 29

Schedule 2	Miscellaneous amendments to Firearms Act 1996 to clarify operation of existing penalties
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Schedule 2	Miscellaneous amendments to Firearms Act 1996 to clarify operation of existing penalties	1
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	(Section 3)	4
[1]	Section 7 Offence of unauthorised possession or use of firearms	5
	Omit the matter relating to the penalties at the end of section 7 (1).	6
	Insert instead:	7
	Maximum penalty: imprisonment for 14 years if the firearm concerned is a prohibited firearm or pistol, or imprisonment for 5 years in any other case.	8
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[2]	Section 36 Unregistered firearms	11
	Omit the matter relating to the penalties at the end of section 36 (1).	12
	Insert instead:	13
	Maximum penalty: imprisonment for 10 years if the firearm concerned is a prohibited firearm or pistol, or imprisonment for 5 years in any other case.	14
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[3]	Section 50 Purchase of firearms	17
	Omit the matter relating to the penalties at the end of the section.	18
	Insert instead:	19
	Maximum penalty: imprisonment for 10 years if the firearm concerned is a prohibited firearm or pistol, or imprisonment for 5 years in any other case.	20
		21
		22
[4]	Section 51 Restrictions on sale of firearms	23
	Insert at the end of section 51 (1) and (2):	24
	Maximum penalty: imprisonment for 5 years.	25

[5] Section 51 (1A)	1
Insert after section 51 (1):	2
(1A) A person (<i>the seller</i>) must not sell, or knowingly take part in the sale of, a prohibited firearm or pistol to another person (<i>the purchaser</i>) unless:	3
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	5
(a) the purchaser is authorised to possess the prohibited firearm or pistol by a licence or permit, and	6
	7
(b) the following documents have been produced to, and inspected by, the seller:	8
(i) the purchaser's licence or permit, and	9
(ii) if the purchaser is not a licensed firearms dealer—the purchaser's permit to acquire the firearm (or the equivalent of any permit that is issued under the law of another State or Territory in respect of the prohibited firearm or pistol concerned).	10
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Maximum penalty: imprisonment for 20 years.	17
[6] Section 51 (2A)	18
Insert after section 51 (2):	19
(2A) A person other than a licensed firearms dealer must not sell, or knowingly take part in the sale of, a prohibited firearm or pistol to a person who is not a licensed firearms dealer unless:	20
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	22
(a) the sale has, in accordance with the regulations, been arranged through a licensed firearms dealer, or	23
	24
(b) in any case where a licensed firearms dealer is not (as determined by the regulations) reasonably available—the sale is witnessed by a police officer authorised by the Commissioner.	25
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Maximum penalty: imprisonment for 20 years.	29

Firearms Amendment (Public Safety) Bill 2002

Schedule 2 Miscellaneous amendments to Firearms Act 1996 to clarify operation of existing penalties

[7] Section 51 (4)	1
Insert after section 51 (3):	2
(4) If on the trial of a person for an offence under subsection (1A) or (2A) the jury is not satisfied that the accused is guilty of the offence charged but is satisfied on the evidence that the accused is guilty of an offence under subsection (1) or (2), respectively, it may find the accused not guilty of the offence charged but guilty of the latter offence, and the accused is liable to punishment accordingly.	3 4 5 6 7 8 9
[8] Section 51	10
Omit the matter relating to the penalties at the end of the section.	11
[9] Section 51A Restrictions on purchase of firearms	12
Omit the matter relating to the penalties at the end of the section.	13
Insert instead:	14
Maximum penalty: imprisonment for 14 years if the firearm concerned is a prohibited firearm or pistol, or imprisonment for 5 years in any other case.	15 16 17
[10] Section 62 Shortening firearms	18
Omit the matter relating to the penalties at the end of section 62 (1).	19
Insert instead:	20
Maximum penalty: imprisonment for 10 years.	21
[11] Section 63 Converting firearms	22
Omit the matter relating to the penalties at the end of section 63 (1) and (2).	23
Insert instead at the end of each of those subsections:	24
Maximum penalty: imprisonment for 10 years.	25

[12] Section 64 Restrictions where alcohol or other drugs concerned	1
Omit the matter relating to the penalties at the end of section 64 (1) and (2).	2
Insert instead at the end of each of those subsections:	3
Maximum penalty: imprisonment for 5 years.	4
[13] Section 66 Defacing or altering identification marks	5
Omit the matter relating to the penalties at the end of the section.	6
Insert instead:	7
Maximum penalty: imprisonment for 5 years.	8
[14] Section 70 False or misleading applications	9
Omit the matter relating to the penalties at the end of the section.	10
Insert instead:	11
Maximum penalty: imprisonment for 10 years if the application relates to a prohibited firearm or pistol, or imprisonment for 5 years in any other case.	12
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[15] Section 72 Falsifying or altering records	15
Omit the matter relating to the penalties at the end of section 72 (1).	16
Insert instead:	17
Maximum penalty: imprisonment for 14 years if the record relates to a prohibited firearm or pistol (or part of a prohibited firearm or pistol), or imprisonment for 5 years in any other case.	18
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[16] Section 74 Effect of firearms prohibition order	22
Omit the matter relating to the penalties at the end of section 74 (1) and (3).	23
Insert instead at the end of each of those subsections:	24
Maximum penalty: imprisonment for 10 years if the firearm concerned is a prohibited firearm or pistol, or imprisonment for 5 years in any other case.	25
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Schedule 3	Amendment of other legislation	1
	(Section 4)	2
3.1	Criminal Procedure Act 1986 No 209	3
[1]	Section 28 Maximum penalties for Table 2 offences	4
	Insert after section 28 (2) (e):	5
	(e1) for an offence under section 7, 36, 43, 44A, 50, 50A (1), 51 (1) or (2), 51A, 51D (1), 62, 63, 64, 66, 70, 72 (1) or 74 of the <i>Firearms Act 1996</i> —imprisonment for 2 years, or a fine of 50 penalty units, or both.	6 7 8 9
[2]	Schedule 1 Indictable offences triable summarily	10
	Insert “33B (1),” after “31C,” in clause 2 of Table 1.	11
[3]	Schedule 1, Table 2, clause 7	12
	Omit the clause. Insert instead:	13
	7 Firearms Act 1996	14
	An offence under section 7, 36, 43, 44A, 50, 50A (1), 51 (1) or (2), 51A, 51D (1), 62, 63, 64, 66, 70, 72 (1) or 74 of the <i>Firearms Act 1996</i> .	15 16 17
3.2	Weapons Prohibition Act 1998 No 127	18
	Schedule 1 Prohibited weapons	19
	Insert after clause 4 (4):	20
	(5) Any article or device, such as a device known as a brass catcher , that is designed to be attached to a firearm for the purposes of catching ejected cartridge cases when the firearm is being fired.	21 22 23 24

3.3 Weapons Prohibition Regulation 1999	1
Schedule 1 Persons exempt from requirement for permit	2
Insert after clause 4:	3
4A Possession and use of brass catchers by persons holding firearms licence	4 5
The holder of a licence or permit under the <i>Firearms Act 1996</i>	6
is exempt from the requirement under the Act for a permit to	7
possess or use a prohibited weapon referred to in clause 4 (5)	8
of Schedule 1 to the Act, but only in relation to its use in	9
connection with a firearm to which the licence or permit under	10
the <i>Firearms Act 1996</i> applies.	11