NORTHERN TERRITORY OF AUSTRALIA

WEAPONS CONTROL ACT 2001

As in force at 3 May 2024

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 3 May 2024

WEAPONS CONTROL ACT 2001

An Act to regulate weapons (other than firearms) and body armour

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Weapons Control Act 2001*.

2 Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act:

approval means an approval in force under section 14.

body armour, see section 3A.

Commissioner means the Commissioner of Police.

controlled weapon means:

(a) a knife or axe, other than a knife or axe that is a prohibited weapon; or

(b) an article that is prescribed by regulation to be a controlled weapon.

criminal intelligence, see section 6 of the *Serious Crime Control Act 2009*.

disqualifying offence, see section 3(1) of the *Firearms Act 1997*.

firearm means a firearm as defined in section 3(1) of the *Firearms Act 1997*, but does not include an imitation or replica firearm.

interim domestic violence order, means an interim DVO as defined in section 4 of the *Domestic and Family Violence Act 2007*.

interim personal violence restraining order, see section 3 of the *Personal Violence Restraining Orders Act 2016*.

knife includes machete.

night-time means the interval between 9 pm and 6 am.

offence of violence, see section 3(1) of the *Firearms Act 1997*.

offensive weapon means an article:

(a) made or adapted to cause damage to property or to cause injury or fear of injury to a person; or

(b) by which the person having it intends to cause damage to property or to cause injury or fear of injury to a person;

but does not include a prohibited weapon, controlled weapon or body armour.

prohibited weapon means an article prescribed by regulation to be a prohibited weapon.

public place, see section 5 of the *Summary Offences Act 1923*.

school, see section 5 of the *Education Act 2015*.

Note for section 3

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

3A Meaning of *body armour*

(1) ***Body armour*** means an article that is designed:

(a) for anti-ballistic or anti-fragmentation purposes; and

(b) to be worn on, or cover, the human body.

(2) However, body armour does not include the following articles:

(a) a helmet;

(b) an anti-ballistic or anti-fragmentation article designed for sight or hearing protection;

(c) a vest or plate carrier designed to hold anti-ballistic or anti-fragmentation protection but without the anti-ballistic or anti-fragmentation protection included in the vest or plate carrier.

(3) In this section:

anti-ballistic means resistant to the penetration of a projectile discharged from a firearm.

anti-fragmentation means resistant to the penetration of material discharged when an explosive device is detonated.

4 Firearms excluded from this Act

This Act does not apply to a firearm.

5 Delegation

(1) Subject to subsection (2), the Commissioner may delegate to a police officer or public sector employee any of the Commissioner's powers or functions under this Act.

(2) The Commissioner's functions under sections 15(2B) and 18G(1) cannot be delegated.

Part 2 Regulation of weapons and body armour

6 Prohibited weapons

A person must not:

(a) bring into the Territory; or

(b) cause to be brought or sent into the Territory; or

(c) manufacture, sell or purchase; or

(d) display or advertise for sale; or

(e) possess, use or carry;

a prohibited weapon except if permitted to do so by an exemption under section 12 or an approval.

Maximum penalty: If the offender is an individual – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units.

7 Controlled weapons – general

(1) A person must not, without lawful excuse, proof of which is on the person, possess, carry or use a controlled weapon in a public place or school.

Maximum penalty: If the offender is an individual – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(2) A person must not carry a controlled weapon except in a safe and secure manner consistent with the reason for which it is possessed, carried or is to be used.

Maximum penalty: If the offender is an individual – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(2A) Subsections (1) and (2) do not apply to a person under 18 years of age and who possesses, carries or uses a weapon mentioned in section 11A.

(3) Despite subsections (1) and (2), if a person is found guilty of an offence against subsection (1) or (2) committed at night-time, the person is liable to a maximum penalty of twice the penalty specified in subsection (1) or (2).

(4) In this section, ***lawful excuse*** includes:

(a) the pursuit of a lawful employment or lawful duty; and

(b) participation in a lawful sport, lawful recreation, lawful entertainment or lawful activity; and

(c) the legitimate collection, legitimate display or legitimate exhibition of weapons;

but does not include for the purpose of self-defence.

(5) In considering whether a person has a lawful excuse to possess, carry or use a controlled weapon, the court must have regard to the circumstances (including the time and location) of the incident.

7A Controlled weapons – person under 18 years of age

(1) A person under 18 years of age must not possess, carry or use a weapon mentioned in section 11A.

Maximum penalty: 200 penalty units or imprisonment for 12 months.

(2) However, if an offence against subsection (1) is committed at night-time in a public place or school, the person is liable to a maximum penalty of twice the penalty specified in the subsection.

8 Offensive weapons

(1) A person must not, without lawful excuse, proof of which is on the person, possess, carry or use an offensive weapon.

Maximum penalty: If the offender is an individual – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(2) Despite subsection (1), if a person is found guilty of an offence against that subsection committed at night-time, the person is liable to a maximum penalty of twice the penalty specified in that subsection.

(3) In this section, ***lawful excuse*** includes:

(a) the pursuit of a lawful employment or lawful duty; and

(b) participation in a lawful sport, lawful recreation, lawful entertainment or lawful activity; and

(c) the legitimate collection, legitimate display or legitimate exhibition of weapons;

but does not include for the purpose of self-defence.

9 Body armour

A person must not:

(a) bring body armour into the Territory; or

(b) cause body armour to be brought or sent into the Territory; or

(c) manufacture, sell or purchase body armour; or

(d) possess or use body armour;

except if permitted to do so by an exemption under section 12 or an approval.

Maximum penalty: If the offender is an individual – 400 penalty units or imprisonment for 2 years.

If the offender is a body corporate – 2 000 penalty units.

10 Authority to purchase prohibited weapons or body armour

(1) A person must not purchase a prohibited weapon or body armour unless the person is:

(a) the holder of a specific purchase authority granted under this section permitting the person to purchase the prohibited weapon or body armour; or

(b) a prescribed person exempted under section 12(2) from the application of sections 6 and 9, or the employer of that person, and is purchasing the prohibited weapon or body armour for use by the prescribed person in the course of that person's duties; or

(c) exempted under section 12(5) from the application of section 6, or the employer of that person, in relation to the purchase of the prohibited weapon; or

(d) exempted under section 12(6) from the application of section 9, or the employer of that person, in relation to the purchase of the body armour.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

(2) A separate specific purchase authority is required for each type of prohibited weapon or body armour to be purchased.

(3) The holder of an approval to purchase may apply to the Commissioner for a specific purchase authority.

(4) An application under subsection (3) is to be:

(a) in a form approved by the Commissioner; and

(b) accompanied by the prescribed fee.

(5) A person must not, in an application under subsection (3), knowingly make a statement that is false or misleading in a material particular.

Maximum penalty: If the offender is an individual – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(6) The Commissioner may, on receipt of an application under subsection (3), grant or refuse to grant a specific purchase authority to the applicant.

(7) A specific purchase authority must specify the type and quantity of prohibited weapons or body armour the holder is permitted to purchase under the authority.

(8) The Commissioner must not grant a specific purchase authority to a person in relation to a prohibited weapon or body armour unless the person holds an approval to purchase and possess a prohibited weapon or body armour of the type to which the authority relates.

(9) The Commissioner may refuse to grant a specific purchase authority to a person if the Commissioner:

(a) suspects on reasonable grounds that the person has, in the application for the authority, failed to supply material information or has supplied information that is false or misleading; or

(b) is satisfied that it is not in the public interest to do so.

(10) A specific purchase authority is valid for a period of 3 months from the date it is granted.

(11) The Commissioner may, by written notice, revoke a specific purchase authority.

(12) If a specific purchase authority is revoked under subsection (11), the person who was the holder of the authority must immediately surrender the revoked authority to a police officer.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

11 Sales of prohibited weapons and body armour

(1) A person must not sell a prohibited weapon or body armour to another person unless:

(a) the purchaser provides proof that an exemption under section 12, or an approval, authorises the purchaser to purchase and possess the prohibited weapon or body armour or prohibited weapons or body armour generally; and

(b) in the case of a specific purchase authority:

(i) the purchaser gives the seller a specific purchase authority authorising the purchaser to purchase the prohibited weapon or the body armour; and

(ii) the seller is satisfied on reasonable grounds that the purchaser is a person to whom the specific purchase authority relates.

Maximum penalty: If the offender is an individual – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(2) A person who sells a prohibited weapon or body armour must keep a record of the sale in accordance with this section.

Maximum penalty: If the offender is an individual – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(3) A record under this section:

(a) is to be in the form, and contain the information, prescribed by regulation; and

(b) is to be kept for 3 years after the sale to which the record relates.

(4) A person who is required under this section to keep a record must, at the request at any reasonable time of a police officer, produce the record for inspection by the officer.

Maximum penalty: If the offender is an individual – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

11A Supply of crossbow or other controlled weapon to person under 18 years of age

A person must not supply any of the following weapons to a person who is under 18 years of age:

(a) a crossbow that is a controlled weapon;

(b) any other controlled weapon prescribed by regulation for this section.

Maximum penalty: If the offender is an individual – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

11B Interstate sale of crossbow or other controlled weapon

(1) A person (the ***receiver***) must not receive into the Territory a prescribed weapon from another person (the ***sender***) in a place within Australia if the receiver knows (or would be reasonably expected to know) the sender would be, because of sending the weapon or being in possession of it in the place from which it is sent, guilty of an offence under any law in force in the place.

Maximum penalty: If the person is an individual – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(2) It is a defence to a prosecution under subsection (1) if the defendant proves the weapon was sent to the defendant without the defendant's knowledge or approval.

(3) A person (the ***procurer***) must not direct or request another person (the ***sender***), whether the sender is within or outside the Territory when the request is made, to send a prescribed weapon to a person in the Territory from a place within Australia if the procurer

knows (or would be reasonably expected to know) the sender would be, because of sending the weapon or being in possession of it at the place from which it is sent, guilty of an offence under any law in force in the place.

Maximum penalty: If the person is an individual – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(4) A person is taken to have made a request under subsection (3) if the person accepts an offer made by another person within or outside the Territory to forward the weapon by mail to an address within the Territory.

(5) A person (the ***sender***) must not send out of the Territory a prescribed weapon to another person (the ***receiver***) in a place within Australia if the sender knows (or would be reasonably expected to know) the receiver would be, because of receiving the weapon or being in possession of it at the place to which it is sent, guilty of an offence under any law in force in the place.

Maximum penalty: If the offender is an individual – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(6) In this section:

prescribed weapon means:

(a) a crossbow that is a controlled weapon; or

(b) any other controlled weapon prescribed by regulation for this section; or

(c) a part of a weapon mentioned in paragraph (a) or (b).

send includes cause to be delivered.

Part 3 Exemptions and approvals

12 Exemptions for prohibited weapons and body armour

(1) The following persons are prescribed persons for subsection (2):

(a) a correctional officer (as defined in section 4 of the *Correctional Services Act 2014*);

(b) a member of the Defence Force mentioned in Part 3, Division 1 of the *Defence Act 1903* (Cth);

(c) a police officer, a member of the Australian Federal Police or a member of a police force of a State or another Territory;

(d) an officer of Customs as defined in section 4 of the *Customs Act 1901* (Cth);

(e) a member of the Australian Protective Service.

(2) Sections 6 and 9 do not apply to a prescribed person acting in the course of his or her duties as a prescribed person in respect of a prohibited weapon or body armour that:

(a) is supplied to him or her by his or her employer for the performance of his or her duties as a prescribed person; or

(b) is seized by the prescribed person in the course of the performance of his or her duties as a prescribed person and is not dealt with except in the course of those duties.

(3) Sections 6 and 9 do not apply (except in relation to the use of a prohibited weapon or body armour) to an employer of a prescribed person if the weapon or body armour is supplied, or is to be supplied, to a prescribed person for use in the course of the prescribed person's duties as a prescribed person.

(3A) Sections 6 and 9 do not apply to a person who is undertaking a course of training in the use of a prohibited weapon or body armour for the purpose of becoming a prescribed person or a person exempt under subsection (5) or (6).

(3B) Sections 6(e) and 9(d) do not apply to a person who is undertaking a course of training in the use of a prohibited weapon or body armour, that is:

(a) approved by the Commissioner; and

(b) conducted by and under the direction of an instructor approved by the Commissioner.

(4) Sections 6 and 9 do not apply to a person (except in relation to the manufacture, sale, purchase or use of a prohibited weapon or body armour by the person) if the prohibited weapon or armour:

(a) is in the person's possession; and

(b) is not the person's property; and

(c) forms part of a consignment of goods in the person's possession as a common carrier.

(5) The Administrator may, by *Gazette* notice, exempt a class of persons or class of prohibited weapons from the application of a provision of section 6.

(6) The Administrator may, by *Gazette* notice, exempt a class of persons or class of body armour from the application of a provision of section 9.

(7) A notice under subsection (5) or (6) may specify the conditions and limitations to which an exemption in the notice is subject.

(8) The Administrator may vary or revoke a notice under subsection (5) or (6).

13 Person may apply for approval in relation to prohibited weapons and body armour

(1) A person may apply to the Commissioner for an approval to do anything that is otherwise prohibited by section 6 or 9.

(2) An application for approval is to:

(a) be in the form approved by the Commissioner; and

(b) contain the information required by the Commissioner; and

(c) be accompanied by the prescribed fee; and

(d) in accordance with the directions of the Commissioner, be accompanied by:

(i) a recent photograph of the applicant or, in the case of a body corporate, the representative of the applicant; or

(ii) a photograph of the applicant that the applicant permits to be taken by a person acting on behalf of the Commissioner.

(2A) For an application for approval under this section to possess and use a prohibited weapon prescribed by regulation for this section:

(a) the applicant must be a person prescribed by regulation; and

(b) the application must include evidence that the applicant completed a course of training, approved by the Commissioner, in the use of the prohibited weapon; and

(c) if the applicant is a body corporate – the applicant must nominate an employee of the applicant, who would be eligible to be granted an approval, to be the representative of the applicant.

(3) A person must not, in an application under subsection (1), knowingly make a statement that is false or misleading in a material particular.

Maximum penalty: If the offender is an individual – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(4) A person must not provide a photograph to the Commissioner for inclusion on an approval if the photograph is not a photograph of the applicant, or the representative of the applicant, for the approval.

Maximum penalty: If the offender is an individual – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

(5) A person must not permit a photograph to be taken for inclusion on an approval unless the photograph is of the applicant, or the representative of the applicant, for the approval.

Maximum penalty: 100 penalty units.

14 Approvals in relation to prohibited weapons and body armour

(1) Subject to section 15, the Commissioner may grant an approval to a person to do anything that is otherwise prohibited by section 6 or 9.

(2) The Commissioner may grant an approval for a period not exceeding 10 years.

(2A) Subject to this Act, an approval expires 3 months after the holder of the approval ceases to reside permanently in the Territory, except in relation to an approval to provide training in the use of a prohibited weapon or body armour.

(2B) An approval is not renewable and a new application must be made for the grant of a new approval as required.

(3) The Commissioner may vary or revoke an approval.

(4) An approval is to be in writing in the form approved by the Commissioner and is to contain a photograph of the applicant.

(5) A person must not alter a photograph on an approval or replace a photograph on an approval with a photograph of another person.

Maximum penalty: If the offender is an individual – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

15 Refusal of approvals

(1) The Commissioner must not grant an approval to a person if the Commissioner has reasonable cause to believe that the person has, in relation to his or her application for approval, failed to supply material information or has supplied information that is false or misleading.

(2) The Commissioner must not grant an approval to a person unless the Commissioner is satisfied that the person:

(a) has not, within the period of 10 years before the application for the approval was made, been found guilty in the Territory or elsewhere of a disqualifying offence; and

(b) has not, within the period of 5 years before the application for the approval was made, been found guilty in the Territory or elsewhere of an offence of violence; and

(c) does not have a final domestic violence order in force against him or her and has not, within the period of 5 years before the application for the approval was made, had a final domestic violence order in force against him or her; and

(ca) does not have a personal violence restraining order in force against him or her; and

(d) is not subject to an order, made in the Territory or elsewhere, to keep the peace.

(2A) Without limiting subsection (2), the Commissioner must not grant an approval to a person who:

(a) was found guilty of an offence against this Act or the *Firearms Act 1997* within 2 years prior to the day of the application; or

(b) was sentenced to custody following being found guilty of an offence against this Act or the *Firearms Act 1997* and less than 5 years have elapsed since the later of the following:

(i) the day the person was released from custody;

(ii) the day the person was found guilty of the offence.

(2B) Without limiting subsections (2) and (2A), the Commissioner must not grant an approval if the Commissioner is of the opinion, having regard to any criminal intelligence or other information the Commissioner holds about the applicant, that:

(a) the applicant is a risk to public safety; and

(b) the holding of the approval by the applicant would be contrary to the public interest.

(2C) The Commissioner is not, under this or any other Act or law, required to give reasons for refusing an approval on the grounds mentioned in subsection (2B).

(2D) Without limiting subsections (2), (2A) and (2B), the Commissioner must not grant an approval in relation to a prohibited weapon or body armour if the Commissioner believes on reasonable grounds that the applicant may not personally exercise continuous and responsible control over the prohibited weapon or body armour because of:

(a) the applicant's way of living or domestic circumstances; or

(b) any attempt by the applicant to commit suicide or cause a self-inflicted injury; or

(c) the applicant having intemperate habits or being of unsound mind.

(3) The Commissioner may refuse to grant an approval to an applicant because:

(a) he or she is satisfied that it is not in the public interest to do so;

(b) the applicant is not a fit and proper person for the grant of an approval; or

(c) the applicant is under 18 years of age.

16 Conditions of approvals

(1) An approval is subject to the following conditions:

(a) the holder must store the prohibited weapon or body armour in respect of which the approval was granted safely and securely in accordance with the requirements prescribed by regulation;

(b) the holder must not permit any other person to possess or use the prohibited weapon or body armour in respect of which the approval was granted if that other person does not have an approval or exemption to possess or use it;

(c) the holder must permit a police officer to inspect, at any reasonable time, the holder's facilities for the safe and secure storage of any prohibited weapon or body armour in respect of which the approval was granted in the holder's possession;

(d) any other condition imposed by this Act or prescribed by regulation;

(e) any conditions specified by the Commissioner on the approval.

(2) An approval is not transferable.

17 Breach of condition of exemptions and approvals

A person must not breach a condition of an exemption under section 12(5) or (6), or an approval, that applies to the person.

Maximum penalty: If the offender is an individual – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units.

18 Review of decisions

(1) A person may apply to the Commissioner for a review by the Commissioner of a decision under section 14, 15 or 16 or Part 3A made by a delegate of the Commissioner.

(2) An application under subsection (1) is to be made within 28 days after the date of the decision to which the application relates.

(3) An application under subsection (1) is to be in writing and is to specify:

(a) the decision that the applicant wants the Commissioner to review; and

(b) the matters that the applicant thinks the Commissioner should take into account in reviewing the decision.

(4) An application under subsection (1) is to be accompanied by the prescribed fee.

(5) The Commissioner must, within 28 days after receiving an application under subsection (1) in relation to a decision, review the decision and decide to:

(a) uphold the original decision; or

(b) make, in substitution for the original decision, a new decision under the section of this Act under which the original decision was made.

(6) The Commissioner is to make the Commissioner's decision under subsection (5) after considering:

(a) the matters that the applicant specified in the application under subsection (1); and

(b) any other matters the Commissioner thinks fit.

(7) The Commissioner is to give notice in writing to the applicant of the Commissioner's decision under subsection (5), specifying the reasons for the decision.

18A Matters to be notified

(1) The holder of an approval must, if there is a change to the holder's name or address, notify the Commissioner, in writing, not later than 10 business days after the change.

Maximum penalty: 10 penalty units or imprisonment for 3 months.

(2) The holder of an approval must, by written notice, notify the Commissioner of the loss or theft of a prohibited weapon or body armour in respect of which the approval was granted not later than 2 business days after becoming aware of the loss or theft.

Maximum penalty: 50 penalty units or imprisonment for 12 months.

(3) If there is a change in the particulars specified in an application for an approval, the applicant or holder must, without delay, notify the Commissioner in writing of the change.

Maximum penalty: 10 penalty units or imprisonment for 3 months.

(4) If an approval is lost or stolen, the holder must notify the Commissioner, in writing, not later than 2 business days after becoming aware of the loss or theft.

Maximum penalty: 5 penalty units or imprisonment for 14 days.

18B Possession and production of approvals

(1) The holder of an approval must, when in possession of a prohibited weapon or body armour in respect of which the approval was granted:

(a) carry the approval; and

(b) when requested by a police officer, produce the approval for inspection by the officer.

Maximum penalty: 17 penalty units or imprisonment for 6 months.

(2) When requested by a police officer, the holder of an approval who is in possession of a prohibited weapon or body armour in respect of which the approval was granted must produce the approval to a police officer not later than the time, and at the place, that the police officer specifies.

Maximum penalty: 17 penalty units or imprisonment for 6 months.

18C Police may require production of prohibited weapon or body armour

(1) A police officer may, by written notice, require the holder of an approval to produce the prohibited weapon or body armour in respect of which the approval was granted at a time and place specified in the notice for the purpose of inspecting the prohibited weapon or body armour to determine whether or not it complies with, and is held in compliance with, this Act.

(2) A person must comply with the requirement of a notice under subsection (1).

Maximum penalty: 100 penalty units or imprisonment for 12 months.

(3) It is a defence to a prosecution for an offence against subsection (2) if the defendant:

(a) did not reasonably know the whereabouts of the prohibited weapon or body armour; or

(b) was otherwise unable to reasonably comply with the requirement to produce the prohibited weapon or body armour.

(4) All approvals held by the person specified in a notice under subsection (1) are automatically suspended from the day specified in the notice to produce the prohibited weapon or body armour until 28 days after the later of the following:

(a) the day on which the prohibited weapon or body armour is produced;

(b) the day on which the person provides information to the satisfaction of the Commissioner as to why the prohibited weapon or body armour was not produced as required.

(5) The Commissioner may reduce the period of suspension mentioned in subsection (4) if the Commissioner considers the circumstances warrant it.

(6) All approvals held by a person specified in a notice under subsection (1) are automatically revoked if the person has not, within 28 days after the day specified in the notice:

(a) complied with the requirement; or

(b) satisfied the Commissioner as to why the requirement was not complied with.

Part 3A Suspension and revocation of approval

18D Suspension of approval

(1) The Commissioner may, by written notice, suspend an approval if satisfied there may be reasonable grounds for revoking the approval.

(2) An approval is suspended for the period, not longer than 28 days, specified in the notice.

(3) The holder of an approval suspended under subsection (1) is not authorised to possess or use any prohibited weapon or body armour in respect of which the approval was granted during the period of the suspension.

(4) If an approval is suspended by the Commissioner under subsection (1), the holder of the approval must immediately surrender to a police officer:

(a) the suspended approval; and

(b) any prohibited weapon or body armour in respect of which the approval was granted.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

18E Suspension on making of interim domestic violence order or interim personal violence restraining order

(1) An approval is automatically suspended on the making of an interim domestic violence order or interim personal violence restraining order against the holder of the approval and the suspension remains in force until the order is confirmed, replaced or revoked.

(2) If an approval is automatically suspended under subsection (1), the holder of the approval must immediately surrender to a police officer:

(a) the suspended approval; and

(b) any prohibited weapon or body armour in respect of which the approval was granted.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

18F Revocation of approval

(1) An approval is automatically revoked:

(a) on a final domestic violence order, a personal violence restraining order or an order to keep the peace being made against the holder of the approval; or

(b) on the holder being found guilty of a disqualifying offence, an offence of violence or an offence against this Act or the *Firearms Act 1997*.

(2) If an approval is revoked automatically under subsection (1), the person who was the holder must immediately surrender to a police officer:

(a) the revoked approval; and

(b) any prohibited weapon or body armour in respect of which the approval was granted.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(3) The Commissioner must, by written notice, revoke an approval if satisfied that:

(a) the holder fails to comply with a condition of the approval imposed under this Act or prescribed by regulation; or

(b) the loss or theft of any prohibited weapon or body armour possessed under the approval, was due to the negligence or fraud of the holder.

Note for subsection (3)

The Commissioner is also required to revoke an approval in the circumstances mentioned in section 18G.

(4) The Commissioner may, by written notice, revoke an approval if:

(a) the holder would be refused an approval of the same type; or

(b) the holder supplied information that was false or misleading in a material particular in connection with the application for the approval; or

(c) the holder is found guilty of an offence against a law in force in the Territory, a State or another Territory, (whether committed before or after the grant of the approval) relating to a prohibited weapon or body armour or any other offence that, in the opinion of the Commissioner, would render the holder not a fit and proper person to possess or use a prohibited weapon or body armour; or

(d) the holder contravenes a condition of the approval; or

(e) the Commissioner is of the opinion that the holder is no longer a fit and proper person to hold the approval.

(5) The revocation of an approval under subsection (3) or (4) takes effect when notice is served on the holder or on a later date specified in the notice, whether or not an application is lodged for review of the decision to revoke the approval.

(6) If an approval is revoked by the Commissioner under subsection (3) or (4), the person who was the holder must surrender:

(a) the revoked approval to a police officer immediately; and

(b) any prohibited weapon or body armour in respect of which the approval was granted to a police officer either:

(i) immediately after receiving the notice under subsection (3) or (4); or

(ii) if the notice allows the person time to surrender the prohibited weapon or body armour to a police officer – within the time allowed in the notice.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(7) In this section:

domestic violence order, see section 4 of the *Domestic and Family Violence Act 2007*.

final domestic violence order means:

(a) a domestic violence order other than an interim domestic violence order; or

(b) a registered external order.

personal violence restraining order means:

(a) a personal violence restraining order made under the *Personal Violence Restraining Orders Act 2016*; or

(b) a similar order made in a State or another Territory.

registered external order, means an external order as defined in section 4 of the *Domestic and Family Violence Act 2007*, that is registered, as defined in section 4 of that Act.

18G Revocation on basis of criminal intelligence

(1) The Commissioner must, by written notice, revoke an approval if the Commissioner is of the opinion, having regard to any criminal intelligence or other information the Commissioner holds about the holder of the approval that:

(a) the holder is a risk to public safety; and

(b) the holding of the approval would be contrary to the public interest.

(2) The Commissioner is not, under this or any other Act or law, required to give reasons for revoking an approval on the grounds mentioned in subsection (1).

(3) If an approval is revoked by the Commissioner under subsection (1), the person who was the holder must surrender:

(a) the revoked approval to a police officer immediately; and

(b) any prohibited weapon or body armour in respect of which the approval was granted to a police officer either:

(i) immediately after receiving the notice under subsection (1); or

(ii) if the notice allows the person time to surrender the prohibited weapon or body armour to a police officer – within the time allowed in the notice.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

18H Notice of suspension or revocation

(1) If an approval is suspended or revoked under a provision of this Act, other than section 18G, the Commissioner must cause written notice of the suspension or revocation to be served personally on the holder of the approval.

(2) The notice mentioned in subsection (1) must:

(a) state that the approval is suspended or revoked and the reasons for suspending or revoking it; and

(b) in the case of a suspension – request the holder to provide the Commissioner with reasons why the approval should not be suspended; and

(c) in the case of a revocation – specify the time when the prohibited weapon or body armour in respect of which the approval was granted must be surrendered.

18J Seizure

At the time of serving a notice suspending or revoking an approval under a provision of this Act or after an automatic revocation under section 18F(1), a police officer may, without a warrant and using the force that is necessary and with any necessary assistance, enter premises, a vessel, vehicle, aircraft or other place to search for and seize any prohibited weapon or body armour in the possession of the holder of the approval that was suspended or revoked.

18K Voluntary surrender of approval

(1) The holder of an approval may, by written notice to the Commissioner, surrender the approval.

(2) The holder must include with the notice under subsection (1):

(a) the approval; or

(b) a statutory declaration setting out the reasons why the approval is not accompanying the notice.

(3) Immediately after giving a notice under subsection (1), the holder must surrender any prohibited weapon or body armour possessed under the approval.

(4) The surrender of an approval under subsection (1) takes effect when the notice is received by the Commissioner.

(5) After an approval is surrendered under subsection (1), a police officer may, without a warrant and using the force that is necessary and with any necessary assistance, enter premises, a vessel, a vehicle, an aircraft or any other place to search for and seize any prohibited weapon or body armour in the possession of the holder of the approval that was surrendered.

18L Suspension by police officer

(1) A police officer in charge of a police station or of or above the rank of Senior Sergeant may, by written notice served on the holder of an approval, suspend the approval if:

(a) the holder requests the suspension; or

(b) the holder is charged with an offence against a law in force in the Territory, a State or another Territory relating to a prohibited weapon or body armour in respect of which the approval was granted (or any other offence that, in the opinion of the Commissioner would, if the holder is found guilty, render the holder not a fit and proper person to possess or use a prohibited weapon or body armour) and is awaiting the hearing of the charge; or

(c) the police officer believes on reasonable grounds that the holder is suffering from a physical or mental infirmity or incapacity and, as a result of possessing the prohibited weapon or body armour in respect of which the approval was granted, may be a danger to the safety of the holder or to another person, or to property; or

(d) the police officer receives a report under section 23B; or

(e) the police officer believes on reasonable grounds that the holder made a statement that is false or misleading in a material particular in the application for the approval; or

(f) the police officer suspects on reasonable grounds that a condition of the approval was contravened.

(2) The suspension under subsection (1) may be for a specified period or until conditions specified in the notice are complied with.

(3) The holder of the approval must, immediately after receiving a notice under subsection (1) or (2), or not later than the period specified in the notice, surrender to a police officer:

(a) the approval; and

(b) any prohibited weapon or body armour to which the approval relates.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(4) If the holder does not comply with the notice, a police officer may, without a warrant:

(a) enter any place where the officer believes on reasonable grounds any prohibited weapon or body armour to which the approval relates may be found; and

(b) search the place and seize any prohibited weapon or body armour.

(5) The police officer may exercise the powers in subsection (4) with the assistance, and using the force, that is reasonably necessary in the circumstances.

18M Restriction on further approvals

(1) If the Commissioner refuses to grant or revokes an approval, the applicant or the holder may not apply for a further approval:

(a) until any conditions specified in the notice of refusal or revocation are met; or

(b) during the period specified in the notice.

(2) A person must, immediately after receiving a notice under subsection (1) or not later than the period specified in the notice, surrender to a police officer:

(a) the approval; and

(b) any prohibited weapon or body armour to which the approval relates.

Maximum penalty: 50 penalty units or imprisonment for 6 months.

Part 4 Search without warrant and forfeiture

19 Search without warrant

(1) Subsection (2) applies in relation to a person in a public place or school if:

(a) a police officer has reasonable grounds to suspect that the person is carrying, or has in his or her possession, a prohibited weapon, controlled weapon, offensive weapon or body armour contrary to this Act; and

(b) the officer informs the person of the grounds for his or her suspicion.

(2) A police officer may without warrant:

(a) search a person to whom this subsection applies for a prohibited weapon, controlled weapon, offensive weapon or body armour; and

(b) search a vehicle, vessel, package or thing in the person's possession or under the person's control for a prohibited weapon, controlled weapon, offensive weapon or body armour; and

(c) seize and detain a prohibited weapon, controlled weapon, offensive weapon or body armour that the officer finds on the person or on or in the vehicle, vessel, package or thing.

(3) Nothing in this section limits or prevents the exercise of a power granted to a police officer under any other Act.

20 Forfeiture by courts

(1) If a person is found guilty of an offence against section 6, 7, 8, 9, 10, 13 or 14(5):

(a) the court may order that the weapon or body armour to which the offence relates be returned to a specified person; or

(b) if the court does not make an order under paragraph (a) – the weapon or body armour to which the offence relates is forfeited to the Territory.

(2) The court may only make an order under subsection (1)(a) if:

(a) the person to whom the weapon or body armour is to be returned is not the person found guilty of the offence; and

(b) the person to whom the weapon or body armour is to be returned is, in the opinion of the court, the owner of the weapon or body armour; and

(c) the court is satisfied that the person to whom the weapon or body armour is to be returned is authorised to possess the weapon or body armour under this Act.

(3) The Commissioner may destroy or dispose of an object forfeited under subsection (1)(b) as the Commissioner thinks fit.

(4) If a person is found guilty of an offence in relation to an object that has been forfeited under subsection (1)(b), the object is not to be destroyed or disposed of:

(a) until the period for an appeal against the finding of guilt in relation to the offence has elapsed; or

(b) if an appeal against the finding of guilt in relation to the offence is lodged – unless the appeal is dismissed.

21 Return of goods if prosecution does not occur

(1) Subsection (2) applies to a prohibited weapon, controlled weapon, offensive weapon or body armour that has been seized by a police officer in relation to an alleged offence by a person against this Act, if it has not been destroyed under section 116KM of the *Police Administration Act 1978*.

(2) The Commissioner must return a weapon or body armour to which this subsection applies to the person from whom it was seized or, if the lawful owner is known to be another person, the lawful owner if:

(a) proceedings for the alleged offence are not commenced within 6 months after the seizure; or

(b) a decision is made within 6 months after the seizure not to bring proceedings for the alleged offence.

(3) Subsection (2) does not apply to a prohibited weapon or body armour unless there is in force an exemption under section 12, or an approval, authorising the person to whom under that subsection the weapon or body armour is required to be returned to possess the prohibited weapon or body armour.

22 Procedure for return of goods if prosecution does not occur

(1) The Commissioner or a person authorised by the Commissioner must notify in accordance with subsection (2) a person to whom section 21(1) applies.

(2) The notice must specify that the person to whom the notice relates may, within 7 days after the notice is given, apply to the Commissioner or authorised person for the return of the prohibited weapon, controlled weapon, offensive weapon or body armour specified in the notice.

(3) If a person does not apply within 7 days after notice is given under subsection (1) for the return of an object specified in the notice, the object is forfeited to the Territory.

(4) If a person applies within 7 days after notice is given under subsection (1) for the return of the object specified in the notice, the Commissioner or a person authorised by the Commissioner must, if required by this Act to return the object, give the person notice in accordance with subsection (5).

(5) to the notice must specify that the object to which the notice relates may be collected by the person specified in the notice from the police station specified in the notice within 21 days after the notice is given.

(6) An object may only be returned to a person under this section by being collected by the person from the police station at which it is kept within the time specified in the notice under subsection (4).

(7) An object must not be returned under this section to a person under 18 years of age unless the person's parent or guardian is with him or her when it is returned.

(8) Notice under this section may be given in person, by telephone or by post.

Part 5 Miscellaneous matters

23 Amnesty

(1) The Commissioner may, by *Gazette* notice, declare that a provision of this Act or the Regulations does not apply in relation to an object, or a class of objects, specified in the declaration, for the period specified in the declaration.

(2) A declaration under subsection (1) may be subject to the conditions specified in the declaration.

(3) A provision of this Act or the Regulations that is specified in a declaration under subsection (1) does not apply to a person for the period specified in the declaration:

(a) in relation to the object or class of objects specified in the declaration; or

(b) if a condition is specified in the declaration – in relation to the object or class of objects specified in the declaration, if the person complies with and does not contravene the condition.

23A Immunity

(1) The Commissioner and police officers are not civilly liable for an act done or omitted to be done by them in good faith in the exercise of a power or performance of a function under this Act.

(2) The Commissioner and police officers are not criminally responsible for an offence against this Act or the Criminal Code if:

(a) the Commissioner or police officer is, at the time of the offence, exercising a power or performing a function under this Act; and

(b) the conduct is reasonable in the circumstances for exercising that power or performing that function.

(3) Subsections (1) and (2) do not affect any liability the Territory would, apart from those subsections, have for the act or omission.

(4) In this section:

exercise of a power includes the purported exercise of the power.

performance of a function includes the purported performance of the function.

23B Report to be made in certain circumstances

(1) A health practitioner or a professional counsellor or social worker who believes on reasonable grounds that, in the interests of public safety, a person is not a fit and proper person to possess or use a prohibited weapon or body armour must report to a police officer the belief and the material facts on which the belief is based.

(2) If a person, acting in good faith, makes a report under or in purported compliance with subsection (1):

(a) the report is not to be taken to be a breach of confidence or of professional etiquette or ethics or of a rule of professional conduct; and

(b) no civil or criminal liability is incurred by reason only of the making of the report.

(3) In this section:

health practitioner means a person registered under the Health Practitioner Regulation National Law to practise in a health profession, other than as:

(a) a diagnostic radiographer in the diagnostic radiographer division of the medical radiation practice profession; or

(b) a student.

23C Disclosure of information

(1) If the Commissioner or a court suspends or revokes an approval granted in relation to (or conditional on) the employment of the holder of the approval, the Commissioner must inform the relevant employer of the holder of the suspension or revocation.

(2) No civil or criminal liability arises from the provision of information under this section.

23D Approved training

The Commissioner may approve training courses and instructors for training related to prohibited weapons and body armour.

23E No review

Despite any other law of the Territory, in relation to a decision of the Commissioner under section 15(2B) or 18G(1):

(a) no person or body is entitled to investigate, inquire into, review or otherwise call into question the decision; and

(b) no proceedings for an appeal, an injunction, a declaration or an order for prohibition or mandamus are to be brought in relation to the decision.

24 Duplicate approvals or specific purchase authorities

(1) If an approval or a specific purchase authority is lost, damaged or destroyed, the holder of the approval or authority may apply to the Commissioner for the issue of a duplicate approval or authority.

(2) An application under subsection (1) is to:

(a) be on the approved form; and

(b) be accompanied by the prescribed fee.

(3) The Commissioner may, if he or she receives an application under subsection (1), issue to the applicant a duplicate of the approval or authority issued under this Act.

25 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Part 6 Transitional matters for Firearms and Weapons Control Legislation Amendment Act 2023

26 Conditions of existing approvals

(1) An approval that is in force immediately before the commencement is subject to the conditions mentioned in section 16 as inserted by the amending Act.

(2) In this section:

amending Act means *Firearms and Weapons Control Legislation Amendment Act 2023*.

commencement means the commencement of Part 3 of the amending Act.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Weapons Control Act 2001* (Act No. 25, 2001)**
Assent date 19 July 2001
Commenced 8 August 2001 (*Gaz* G31, 8 August 2001, p 8)

***Statute Law Revision Act 2003* (Act No. 12, 2003)**
Assent date 18 March 2003
Commenced 18 March 2003

***Weapons Control Amendment Act 2005* (Act No. 48, 2005)**
Assent date 14 December 2005
Commenced 1 February 2006 (*Gaz* G5, 1 February 2006, p 3)

***Justice and Other Legislation Amendment Act 2011* (Act No. 25, 2011)**
Assent date 31 August 2011
Commenced 21 September 2011 (*Gaz* G38, 21 September 2011, p 5)

***Penalties Amendment (Chief Minister's and Other Portfolios) Act 2011* (Act No. 27, 2011)**
Assent date 31 August 2011
Commenced 21 September 2011 (*Gaz* G38, 21 September 2011, p 5)

***Correctional Services (Related and Consequential Amendments) Act 2014* (Act No. 27, 2014)**
Assent date 4 September 2014
Commenced 9 September 2014 (*Gaz* S80, 9 September 2014, p 2)

***Education Act 2015* (Act No. 28, 2015)**
Assent date 10 December 2015
Commenced pt 6, divs 2 and 4 and pt 7: 1 April 2016; pt 3: 1 July 2016; rem: 1 January 2016 (s 2)

Local Court (Repeals and Related Amendments) Act 2016 **(Act No.9, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (*Gaz* S34, 29 April, 2016)

Personal Violence Restraining Orders Act 2016 **(Act No. 10, 2016)**

Assent date	29 April 2016
Commenced	pt 4, div 5: 29 April 2016; rem: 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

Firearms and Weapons Control Legislation Amendment Act 2016 **(Act No. 27, 2016)**

Assent date	13 July 2016
Commenced	12 October 2016 (*Gaz* G41, 12 October 2016, p 2)

Weapons Control Amendment Act 2021 **(Act No. 3, 2021)**

Assent date	5 March 2021
Commenced	6 March 2021 (s 2)

Police Legislation Further Amendment Act 2023 **(Act No. 18, 2023)**

Assent date	17 August 2023
Commenced	21 September 2023 (*Gaz* S67, 20 September 2023)

Firearms and Weapons Control Legislation Amendment Act 2023 **(Act No. 32, 2023)**

Assent date	6 December 2023
Commenced	pt 3: 3 May 2024 (*Gaz* S35, 2 May 2024) (*Gaz* S35 published 2 May 2024, revokes the commencement notice dated 8 April 2024 and published in *Gaz* G9, 26 April 2024); rem: 7 December 2023 (s 2(1))

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3, 12 and 15.

4 LIST OF AMENDMENTS

pt 1 hdg	amd No. 25, 2011, s 21
s 3	amd No. 12, 2003, s 13; No. 48, 2005, s 4; No. 25, 2011, s 21; No. 28, 2015, s 195; No. 3, 2021, s 4; No. 18, 2023, s 15; No. 32, 2023, s 38
s 3A	ins No. 3, 2021, s 5
s 5	amd No. 25, 2011, s 21; No. 32, 2023, s 39
s 6	amd No. 25, 2011, s 21; No. 27, 2011, s 4
s 7	amd No. 48, 2005, s 5; No. 25, 2011, s 21; No. 27, 2011, s 4
s 7A	ins No. 48, 2005, s 6 amd No. 25, 2011, s 21; No. 27, 2011, s 4
ss 8 – 9	amd No. 25, 2011, s 21; No. 27, 2011, s 4
s 10	amd No. 25, 2011, s 21; No. 27, 2011, s 4; No. 32, 2023, s 40
s 11	amd No. 25, 2011, s 21; No. 27, 2011, s 4; No. 32, 2023, s 41
ss 11A – 11B	ins No. 48, 2005, s 7 amd No. 25, 2011, s 21; No. 27, 2011, s 4
s 12	amd No. 25, 2011, s 21; No. 27, 2014, s 57; No. 27, 2016, s 7; No. 32, 2023, s 42
s 13	amd No. 25, 2011, s 21; No. 27, 2011, s 4; No. 32, 2023, s 43

s 14	amd No. 25, 2011, s 21; No. 27, 2011, s 4; No. 27, 2016, s 8; No. 32, 2023, s 44
s 15	amd No. 25, 2011, s 20; No. 9, 2016, s 160; No. 10, 2016, s 43; No. 32, 2023, s 45
s 16	rep No. 32, 2023, s 46
s 17	amd No. 25, 2011, s 21; No. 27, 2011, s 4
s 18	amd No. 32, 2023, s 47
ss 18A – 18C	ins No. 32, 2023, s 48
pt 3A hdg	ins No. 32, 2023, s 48
ss 18D – 18M	ins No. 32, 2023, s 48
s 19	amd No. 48, 2005, s 8; No. 25, 2011, s 21
s 20	amd No. 25, 2011, s 21
s 21	amd No. 25, 2011, s 21; No. 18, 2023, s 16
s 22	amd No. 25, 2011, s 21
pt 5 hdg	amd No. 25, 2011, s 21
s 23	amd No. 25, 2011, s 21
ss 23A – 23E	ins No. 32, 2023, s 49
pt 6 hdg	ins No. 32, 2023, s 50
s 26	ins No. 32, 2023, s 48