

## FIREARMS ACT 1977 (SA) PENALTIES as at November 2014

Section	Offence	Maximum Penalties	
		Gaol	Fine
<b>Part III</b>			
s5	<b>Definitions</b>		
s10C	<b>Prohibition Order</b>		
(3)	not acquire, possess or use a firearm	15 yrs	\$75,000
	firearm part or ammunition	7 yrs	\$35,000
(4)	fail to surrender firearm on a prohibition order	10 yrs	\$50,000
	fail to surrender firearm part or ammunition	4 yrs	\$20,000
(5)	Not to attend certain locations	2 yrs	\$10,000
(7)	Not to reside at premises where firearm present	10 yrs	\$50,000
	Not to reside at premises where firearm parts or ammunition present	4 yrs	\$20,000
(9)	Person must inform residents of order – failure to do so	2 yrs	\$10,000
(10)	Supplying firearm to prohibited person	15 yrs	\$75,000
	Supplying firearm parts or ammunition to prohibited person	7 yrs	\$35,000
(11)	Possession of firearm while in company of prohibited person	2 yrs	\$10,000
(12)	Person bringing firearm into premises of prohibited person	10 yrs	\$50,000
	Person bringing firearm parts or ammunition into premises	4 yrs	\$20,000
(13)	Defence s(10),(11), (12) - did not know and could not reasonably be expected to know		
s11	<b>(1) Possession of firearm without licence</b>		
(2)	Possession or use of firearm not authorised by licence		
(3)	Burden of proof s.11(2): If reasonable inference of possession/ use, defendant must prove use/ possession was authorised by licence.		
(4)	Defences: shooting gallery, firearms club, paintball firearm activity, in course of firearms business.		
(5)	Defences: possession as executor or as administrator, guardian etc while the licence holder is unable to manage own affairs. As permitted by regulation		
(7)	Prescribed firearm	10 yrs	\$50,000
	Class C, D or H firearm	7 yrs	\$35,000
	Any other kind	4 yrs	\$20,000
(7a)	Aggravated - Prescribed firearm	15 yrs	\$75,000
	Aggravated - Class C, D or H firearm	10 yrs	\$50,000
	Aggravated – Any other kind	7 yrs	\$35,000
(8)	Prosecution can proceed summarily on first case	2 yrs	\$10,000
s13	Firearm licence – failure to provide/verify info to Registrar See also s.23 if unregistered firearm and <i>Summary Offences Act</i>	-	\$5,000
s14	<b>Acquiring of firearm, or knowingly takes part in acquisition of firearm without permit:</b>		
	Prescribed firearm	15 yrs	\$75,000
	Class C, D or H firearm	10 yrs	\$50,000
	Any other kind	7 yrs	\$35,000
	Prosecution can proceed summarily on first case	2 yrs	\$10,000

Section	Offence	Gaol	Fine
s15B	<b>Transfer of possession of firearm</b> Failure to comply with requirements: Prescribed firearm or Class C, D or H firearm Any other kind of firearm	2yrs 1yr	\$10,000 \$5,000
s15C	<b>Dealer/authorised officer failing to comply with requirements</b>		\$5,000
s16	<b>Dealing in firearms without licence</b>	2 yrs	\$10,000
s18	Firearms dealer failing to keep records or submitting prescribed returns to registrar		\$5,000
s20	Registrar may give written notice cancelling/ suspending licence if licence holder breaches Act or condition or is not fit and proper person to hold licence.(Note limit to Registrar's liability)		
s21	<b>Breach of licence conditions by holder of licence:</b> Prescribed firearm or Class C, D or H firearm Any other firearm	2 yrs 1 yr	\$10,000 \$5,000
s21A	<b>Holder of licence fails to notify registrar of change of address within 14 days</b>	\$2,500	
s21AB	<b>Failing to return licence forthwith on demand.</b>		\$5,000
s21B(5)	<b>Acquisition of ammunition without permit or supply to known/suspected unauthorised person</b>	2yrs	\$10,000
s21B(7)	Where it is proved that person gave/received ammunition contrary to s.21B, defendant must prove they were entitled to receive/give ammunition.		
s21B(8)	<b>Purchasing ammunition (or accepting as gift) unless holder of licence or permit</b>	2yrs	\$10,000
s21BA	Cancellation or Suspension of Permit		
s21BB	<b>Breach of limit on quantity of ammunition</b>		\$5,000
	<b>Registration</b>		
s23 (1)	<b>Possession of unregistered firearm</b>		
(2)(4)	Defence if in possession for less than 14 days and not reasonably practical to register earlier		
(5)	Penalty: Prescribed firearm or class C, D or H class Any other firearm	2yrs 1yr	\$10,000 \$5,000
s24A(5)	<b>Failure to comply with identification requirements for firearms:</b> Prescribed firearm or class C, D or H class Any other firearm	2yrs 1yr	\$10,000 \$5,000
(7)	Defaces/alter identification: Prescribed firearm or class C, D or H class Any other firearm	7yrs 4yr	\$35,000 \$20,000
s25(2)	<b>Owner failure to notify registrar within 14 days of sale, loss etc of firearm</b>		\$5,000

Section	Offence	Gaol	Fine
s26	<b>Owner of registered firearm fail to notify of change of address within 14 days</b>		\$2,500
s26A	<b>Review and appeals</b>		
s27	Manufacture or take part in manufacture of firearms or firearms parts		
	Prescribed firearm	15 yrs	\$75,000
	Class C, D or H firearm	10 yrs	\$50,000
	Any other kind	7 yrs	\$35,000
	Prosecution can proceed summarily on first case	2 yrs	\$10,000
s27AA	<b>Alteration of firearms</b>		
	if prescribed firearm	15 yrs	\$75,000
	class C, D or H firearm	10 yrs	\$50,000
	any other class of firearm	7 yrs	\$35,000
s27AAB	Police may seize equipment etc if suspect on reasonable grounds an offence against section 27 or 27AA		
s27A	Obligation to report unsafe situations re firearms		
s27B	Medical practitioner to report wounds inflicted by firearms		
s28	<b>False/misleading statement</b> in any application under this Act (defence- belief on reasonable grounds that info was true)	2yrs	\$10,000
s29 (1)	<b>Handling firearms when under the influence</b>	2yrs	\$10,000
(2)	<b>Transfer possession of firearm to person under the influence</b>	2yrs	\$10,000
s29A(1)	<b>Possession of a silencer</b>	2yrs	\$10,000
(2)	Unauthorised possession of a mechanism or other fitting to convert firearm to automatic or to fire explosives or grenades	2yrs	\$10,000
s29C	<b>Duty to carry licence</b>		\$5,000
	<b>Police powers</b> (See also s32)		
s30 (1)	Must give full name, address and age if suspicion on reasonable grounds of possession or recent possession of firearm.		
(2)	Police may require evidence of (1) – failure to do so	2yr	\$10,000
s31 (1) (a)	<b>Fail to produce licence forthwith or within 48 hours</b>		\$5,000
(b)	<b>Fail to produce firearm within 48 hours</b>		\$5,000
s31A (3)	Using firearm after notice given to dispose of it:		
	Prescribed or class C, D or H	2 yrs	\$10,000
	Any other firearm	1yr	\$5,000
s31A (4)	Receiving a firearm subject to a notice for disposal	-	\$5,000

Section	Offence	Gaol	Fine
s32	<b>Power to seize firearms</b>		
s32 (1)	Police may seize if reasonable suspicion that it is unregistered/ offence committed/ it is forfeited/ holder is not a fit and proper person/ continued possession will result in undue danger/ firearm is mechanically unsafe, etc		
(1a)	Police may require licence to be surrendered if firearm seized/ firearm is mechanically unsafe, etc. If licence not surrendered forthwith police may seize.		
s32 (2)	Police may stop, detain, search any vehicle or person that reasonably suspected of possession of firearm liable for seizure		
(3)	Police may break, enter and search any premises if reasonable suspicion that may find firearm liable for seizure		
	<b>Obstructing a police officer</b>		
s33	Hinder or resist police officer acting pursuant to Act	2 yrs	\$10,000
	<b>Forfeiture of Firearms/etc</b>		
S34AA	Return of licence that has been delivered or seized		
(a)	at time firearm is returned to owner		
(b)	in any other case, at exp'n of 14 days from date of delivery or seizure		
s34A	<b>Forfeiture of firearms by court</b>		
(1)	Orders upon conviction:		
(a)	Forfeiture to Crown and disposal		
(b)	Licence subject to specified conditions		
(c)	Licence suspended for specified period		
(d)	Licence cancelled		
(e)	Person disqualified from holding licence		
(2)	Where finding person NOT fit and proper orders upon conviction:		
(a)	Firearm disposed of		
(b)	Licence subject to specified conditions		
(c)	Licence suspended until further order		
(d)	Licence cancelled		
(e)	Person disqualified		
s35	<b>Registrar can sell or otherwise dispose of forfeited firearm</b>		
s35A	<b>Breach of transporting of firearms regulations</b>		\$5,000
s35B	Breach of advertising requirements regarding sale of firearm		\$2,500
s35C	Breach of requirements regarding firearm as executor of estate, etc.		\$5,000
s35D	<b>Failure to give notice relating to storage</b> of firearm within 14 days		\$5,000
s36	<b>Evidentiary provisions</b>		
	Registrars certificate is proof unless proved to the contrary		
s36A	<b>General defence</b>		
(1)	no intention and		
(2)	no failure to take reasonable care		
s36B	<b>Service of notices</b>		
s37	Grant of amnesty may be declared by public notice.		
s38	<b>Time limit for proceedings</b> – to be issued within 12 months of date of alleged offence		
s39 (2)(g)	<b>Penalty for breach of Regulations</b>		\$2,500