

# FIREARMS ACT 2015 (SA) PENALTIES as at 1 July 2017

Section	Offence	Maximum Penalties	
		Gaol	Fine
<b>Part 2 Possession and use of firearms and firearms dealers</b>			
s9	(1) Possession of firearm without licence		
	(2) Possession or use of firearm for purpose not authorised by licence		
	Prescribed firearm	10 yrs	\$50,000
	Category C, D or H firearm	7 yrs	\$35,000
	Any other category of firearm	4 yrs	\$20,000
	Aggravated offences (see sub-ss (5) and (7))		
	Prescribed firearm	15 yrs	\$75,000
	Category C, D or H firearm	10 yrs	\$50,000
	Any other category of firearm	7 yrs	\$35,000
	Prosecution for summary offence (other than for prescribed firearms)	2 yrs	\$10,000
s10	Dealing in firearms without licence	7 yrs	\$35,000
s11	(1) Employment of disqualified person by licensed dealer	7 yrs	\$35,000
	(4) Employment of person, with access to firearms, without licence to:		
	Carry on the business of dealer		
	Possess and use firearms as employee of a licensed dealer	7 yrs	\$35,000
	(5) Employment of person, with access to ammunition, without licence to possess and use firearms or ammunition as employee of licensed dealer	7 yrs	\$35,000
s16	(5) Failure to comply with direction of principal nominee of licensed company	-	\$5,000
s19	Failure to comply with condition of licence		
	Category C, D or H firearm or prescribed firearm	4 yrs	\$20,000
	Any other case	2 yrs	\$10,000
s21	(1) Failure to surrender all firearms, firearm parts, sound moderators and ammunition upon suspension or cancellation of licence		
	In case of firearm	10 yrs	\$50,000
	In case of firearm part, sound moderator or ammunition	4 yrs	\$20,000
	(2) Failure to surrender all firearms etc no longer authorised under licence		
	In case of firearm	10 yrs	\$50,000
	In case of firearm part, sound moderator or ammunition	4 yrs	\$20,000
	(3) Use of firearm when required to be surrendered		
	Category C, D or H firearm or prescribed firearm	10 yrs	\$50,000
	Any other case	4 yrs	\$20,000
<b>Part 3 Acquisition, supply and transfer of possession of firearms</b>			
s22	(1) Acquisition of firearm without permit and compliance with prescribed process		
	(2) (supplier, participator, financier, owner, lessee or occupier)		
	(9) Failure by licensed dealer to comply with requirements		
	(10) Offence involving only 1 firearm		
	Prescribed firearm	15 yrs	\$75,000
	Category C, D or H firearm	10 yrs	\$50,000
	Any other category of firearm	7 yrs	\$35,000
	(11) Offence involving more than 1 firearm or subsequent offence	20 yrs	-
	(12) Prosecution for summary offence (other than for prescribed firearms)	2 yrs	\$10,000
s22	(5) Defence: Loan or hire agreements (between license holders for business purposes)		
	Oral loan or hire agreement for 10 days		
	Written loan or hire agreement for 28 days		
	(6) Failure to return firearm within 10 days		
	Category C, D or H firearm or prescribed firearm	2 yrs	\$10,000

## FIREARMS ACT 2015 (SA) PENALTIES as at 1 July 2017

	Any other case	1 yr	\$5,000
(7)	Failure to return firearm within 28 days		
	Category C, D or H firearm or prescribed firearm	2 yrs	\$10,000
	Any other case	1 yr	\$5,000
s25	(2) Accept possession of firearm from other than owner		
	(3) Transfer possession of firearm when not owner		
	Category C, D or H firearm or prescribed firearm	2 yrs	\$10,000
	Any other case	1 yr	\$5,000
<b>Part 4 Registration of Firearms</b>			
s27	(1) Possession of an unregistered firearm		
	(2) Defence: lawful possession not more than 14 days before		
	(3) Failure to register as owner		
	(4) Requirement to register does not apply to trustee, administrator or executor of estate		
	(5) Defence: lawful possession not more than 14 days before		
	(6) Prescribed firearm	7 yrs	\$35,000
	Category C, D, or H firearm	4 yrs	\$20,000
	Any other category of firearm	2 yrs	\$10,000
s29	(4) Failure to produce firearm with identifying marks within 14 days		
	Prescribed firearm	4 yrs	\$20,000
	Category C, D or H firearm	2 yrs	\$10,000
	Any other category of firearm	1 yr	\$5,000
	(5) Deface, alter or remove identifying mark or possession of firearm without identifying mark		
	Prescribed firearm	10 yrs	\$50,000
	Category C, D or H firearm	7 yrs	\$35,000
	Any other category of firearm	4 yrs	\$20,000
s30	Failure to surrender firearm upon cancellation of registration	10 yrs	\$50,000
<b>Part 5 Acquisition and possession of ammunition</b>			
s31	(1) Acquire/own/possess ammunition without relevant firearms licence		
	(4) Supply ammunition to a person not authorised to possess		
	(6) Possess ammunition acquired by another person in contravention		
	(11) Sale of ammunition to person under 18 years of age		
		2 yrs	\$10,000
	(10) Purchase or own ammunition when under 18 years of age	1 yr	\$5,000
s34	(1) Acquire/own/possess more ammunition than reasonably required	-	\$5,000
	(2) Licensed dealer acquire/own/possess more than reasonably required	-	\$5,000
	(5) Acquire/own/possess ammunition in contravention of regulation	-	\$5,000
<b>Part 6 Code of practice for security, storage and transport of firearms and ammunition</b>			
s35	(3) Contravention of code of practice		
	Category A offence	15 yrs	\$75,000
	Category B offence	10 yrs	\$50,000
	Category C offence	4 yrs	\$20,000
	Category D offence	2 yrs	\$10,000
	Category E offence	1 yr	\$5,000
	Category F offence	-	\$2,500
	<b>Expiation fees</b>		
	Category E		\$315
	Category F		\$210
	(4) Offence categories set out in code of practice		
<b>Part 7 Prohibited practices relating to firearms and ammunition</b>			
s37	(1) Manufacture firearm, firearm part or sound moderator		

## FIREARMS ACT 2015 (SA) PENALTIES as at 1 July 2017

(5)	In case of firearm or firearm part		
	Prescribed firearm	15 yrs	\$75,000
	Category C, D or H	10 yrs	\$50,000
	Any other kind of firearm	7 yrs	\$35,000
	Prosecution for summary offence (other than for prescribed firearm)	2 yrs	\$10,000
	In the case of a sound moderator	7 yrs	\$35,000
	Prosecution for summary offence	2 yrs	\$10,000
s38	(1) Alteration of firearm (rendered unusable) so that usable again		
	Prescribed firearm	15 yrs	\$75,000
	Category C, D or H firearm	10 yrs	\$50,000
	Any other category of firearm	7 yrs	\$35,000
	(2) Alteration of firearm so that becomes different category (not licensed for)		
	Prescribed firearm	15 yrs	\$75,000
	Category C, D or H firearm	10 yrs	\$50,000
	Any other category of firearm	7 yrs	\$35,000
	(3) Attempt to alter firearm to that usable again or becomes different category	4 yrs	\$15,000
s39	(1) Acquire/own/possess sound moderator or restricted firearm mechanism without written approval	2 yrs	\$10,000
	(3) Aggravated offence	15 yrs	\$75,000
	(8) Possess or use sound moderator or restricted firearm mechanism for purpose other than approved	15 yrs	\$75,000
	(9) Prosecution for summary offence	2 yrs	\$10,000
	(10) Failure to produce sound moderator with identifying mark to police within 14 days	4 yrs	\$20,000
	(13) Deface, alter or remove identifying mark of sound moderator	7 yrs	\$35,000
s40	(1) Acquire/own/possess prohibited firearm accessory	2 yrs	\$10,000
	Aggravated offence	15 yrs	\$75,000
s41	(1) Assemble ammunition	4 yrs	\$20,000
	(6) Prosecution for summary offence	2 yrs	\$10,000
s42	(1) Handling firearm under the influence of alcohol or drug	2 yrs	\$10,000
	(2) Deliver firearm into possession or control of someone under the influence	2 yrs	\$10,000
<b>Part 8</b>	<b>Firearms Prohibition Orders</b>		
s44	(8) Notify Registrar or police officer of address for service within 48 hours of request	-	\$10,000
s45	(2) Acquire/possess/use firearm, firearm part, sound moderator or ammunition contrary to prohibition order		
	In case of firearm	15 yrs	\$75,000
	In case of firearm part, sound moderator or ammunition	7 yrs	\$35,000
	(3) Failure to surrender all firearms, firearm parts, sound moderator or ammunition pursuant to prohibition order		
	In case of firearm	10 yrs	\$50,000
	In case of firearm part, sound moderator or ammunition	4 yrs	\$20,000
	(4) Presence at firearms club, paintball operator, commercial range operator, shooting gallery, arms fair or any firearms business places		
	Membership of firearms club		
	Company of another who has possession or control of firearm	10 yrs	\$50,000
	(6) Presence or residence at premises where there is firearm, firearm part, sound moderator or ammunition contrary to prohibition order		
	In case of firearm	10 yrs	\$50,000
	In case of firearm part, sound moderator or ammunition	4 yrs	\$20,000
	(8) Failure to inform other occupants over the age of 18 years that firearms prohibition order applies and ask whether they intend to have firearms etc	4 yrs	\$20,000
	(9) Supply a firearm, firearm part, sound moderator or ammunition to		

## FIREARMS ACT 2015 (SA) PENALTIES as at 1 July 2017

	person to whom firearms prohibition order applies or permit possession		
	In case of firearm	15 yrs	\$75,000
	In case of firearm part, sound moderator, ammunition	7 yrs	\$35,000
(10)	Possession or control of firearm in company of person to whom prohibition order applies	4 yrs	\$20,000
(11)	Bringing firearm etc onto premises of person to who prohibition order applies		
	In case of firearm	10 yrs	\$50,000
	In case of firearm part, sound moderator or ammunition	4 yrs	\$20,000
(14)	Fail or refuse to state full name, address and date of birth and the same of those with who reside (if police have reasonable suspicion that subject to prohibition order)	2 yrs	\$10,000
(15)	Failure to notify Registrar of change of address within 7 days	-	\$10,000
<b>Part 10 Administration</b>			
s54	(5)(a) Fail or refuse to meet requirements of investigation	4 yrs	\$20,000
	(5)(b) Fail or refuse to answer question put by Registrar	4 yrs	\$20,000
s55	(5)(a) Fail or refuse to meet requirements of police officer	4 yrs	\$20,000
	(5)(b) Fail or refuse to answer question put by police officer	4 yrs	\$20,000
	(6) Prosecution for summary offence	2 yrs	\$10,000
s56	(1)(a) Failure to produce licence/certificate of registration for firearm immediately or within 48 hours	2 yrs	\$10,000
	(1)(b) Failure to produce firearm for inspection immediately or within 48 hours	2 yrs	\$10,000
s57	(1) Failure to produce firearm for inspection at place and time specified by police officer	2 yrs	\$10,000
s59	(3) Forfeiture of equipment, device, object or document where court is satisfied used or intended for use for offence against ss 37 and 38		
	(7) Registrar may sell or otherwise dispose of forfeited items		
s60	(5) Failure to comply with public safety notice	4 yrs	\$20,000
s61	Hinder or resist police officer exercising powers under Act	2 yrs	\$10,000
<b>Part 11 Surrender and forfeiture of firearms etc</b>			
s62	(8) Failure by approved person to deliver surrendered item to licensed dealer as soon as reasonably practicable	-	\$5,000
	(11) Failure to comply with conditions imposed by Registrar in relation to surrendered items	-	\$5,000
s65	(6) Failure by approved person to deliver surrendered item to licensed dealer as soon as reasonably practicable	-	\$5,000
<b>Part 12 Powers of court</b>			
s66	(5) Failure to surrender all firearms, firearm parts, sound moderators and ammunition within 7 days of court-ordered suspension or cancellation of licence		
	In case of firearm	10 yrs	\$50,000
	In case of firearm part, sound moderator or ammunition	4 yrs	\$20,000
<b>Part 13 Miscellaneous</b>			
s68	Misuse, forgery of licence, permit, authorisation or approval	2 yrs	\$10,000
s69	Providing a false or misleading statement under the Act		
	In case of licensed dealer and statement provided in ordinary course of business	4 yrs	\$20,000
	In any other case	2 yrs	\$10,000
	Defence: believed on reasonable grounds that information true		
s75	General defence: alleged offence not committed intentionally and did not result from failure to take reasonable care		