

FIREARMS ACT 2015 (SA), FIREARMS REGULATIONS 2017 (SA) PENALTIES as at 3 September 2020

Firearms Act 2015 (SA)

Section	Offence	Maximum Penalties	
		Gaol	Fine
Part 2 Possession and use of firearms and firearms dealers			
s9	(1) Possession of firearm without licence		
	(2) Possession or use of firearm for purpose not authorised by licence		
	(4) 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))		
	(5) 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
	(6) Prosecution for summary offence (other than for prescribed firearms)	2 yrs	\$10,000
s10	(1) 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		
	(a) Category C, D or H firearm or prescribed firearm	4 yrs	\$20,000
	(b) 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
Part 3 Acquisition, supply and transfer of possession of firearms			
s22	(1) Acquisition of firearm without permit and compliance with prescribed process		
	(2) (supplier, participator, financier, owner, lessee or occupier)		
	(5) Defence: Loan or hire agreements (between licence 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
	Any other case	1 yr	\$5,000

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(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
(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
	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
Part 4	Registration of Firearms		
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 (4)	Failure to surrender firearm upon cancellation of registration	10 yrs	\$50,000
Part 5	Acquisition and possession of ammunition		
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		
(10)	Purchase or own ammunition when under 18 years of age	1 yr	\$5,000
(12)	Sale of ammunition to person under 18 years of age	2 yrs	\$10,000

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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
Part 6 Code of practice for security, storage and transport of firearms and ammunition				
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
		Expiation fees		
		Category E	-	\$315
		Category F	-	\$210
	(4)	Contraventions declared offences of particular category in code of practice		
Part 7 Prohibited practices relating to firearms and ammunition				
s37	(1)	Manufacture firearm, firearm part or sound moderator		
	(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
	(6)	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
	(3)	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

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Part 8 Firearms Prohibition Orders

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 with firearm contrary to prohibition order	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 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 whom 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 whom 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

Part 10 Administration

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

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Part 11 Surrender and forfeiture of firearms etc

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- surrendered items	-	\$5,000
s65 (6)	Failure by approved person to deliver surrendered item to licensed dealer as soon as reasonably practicable	-	\$5,000

Part 12 Powers of court

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

Part 13 Miscellaneous

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		

Firearms Regulations 2017 (SA)

Reg	Offence	Maximum Penalties	
		Fine	Gaol
Part 2 Licences			
29(2)(a)	Instructor/examiner allow person to attend course w/o required notice from Registrar		-
29(2)(b)	Instructor/examiner fail to compile records of attendees	\$2,500	-
29(3)	Instructor/examiner fail to provide information to Registrar	\$2,500	-
32	Company nominee fail to keep record of firearms	\$2,500	-
	<i>Expiation fee</i>	\$210	
33	Company nominee failure to notify change of address within 14 days	\$2,500	-
	<i>Expiation fee</i>	\$210	
34	Licensee failure to notify change of address within 14 days	\$2,500	-
	<i>Expiation fee</i>	\$210	
35	Fail to carry licence or legible form of copy of licence when in possession or control of firearm or supervising as authorised	\$5,000	-
	<i>Expiation fee</i>	\$315	
36 (1)	Fail to return suspended or cancelled licence to Registrar	\$5,000	-
36 (2)	Fail to return licence for variation	\$5,000	-
 Part 3 Exemptions and permits			
48	Foreign firearms dealer fail to keep and provide proper records	\$5,000	-
50 (1)	Fail to return revoked permit to Registrar	\$5,000	-
50(2)	Fail to return permit for variation	\$5,000	-

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Part 4	Acquisition, supply and transfer of possession of firearms		
51(6)	Fail to meet witness requirements for delivery of firearm	\$5,000	-
	<i>Expiation fee</i>	\$315	
51(7) (8)	Fail to keep proper records of firearm acquisition process	\$5,000	-
	<i>Expiation fee</i>	\$315	
52	Fail to retain and produce written loan or hire agreement	\$2,500	-
55	Fail to comply requirements relating to hire agreements	\$2,500	-
56	Fail to return suspended or cancelled permit to Registrar	\$5,000	-
Part 5	Registration of firearms		
61(1)	Fail to notify Registrar of certain events relating to firearms	\$5,000	-
61(3)	Fail to notify Registrar of change of address for registration	\$2,500	-
	<i>Expiation fee</i>	\$210	
61(4)	Fail to notify Registrar registered firearm disposed of interstate	\$5,000	-
Part 6	Possession of ammunition		
62(1)	Possession of high explosives	\$5,000	-
62(2)	Possession of military ammunition with calibre more than 19.1mm	\$5,000	-
63	Fail to return suspended or cancelled permit to Registrar	\$1,250	-
Part 8	Prohibited practices relating to firearms and ammunition		
66(2)	Fail to comply with condition of approval for sound moderator	\$5,000	-
66(3)	Dealer fail to provide Registrar records relating to sound moderators	\$2,500	-
66(4)	Dealer fail to keep copy of records relating to sound moderators	\$2,500	-
67(2)	Fail to comply with condition or limitation of approval	\$5,000	-
Part 9	Firearms clubs, commercial range operators and paint-ball operators		
71	Fail to comply with condition of approval of firearm's club grounds	\$5,000	-
	<i>Expiation fee</i>	\$1,250	
72(2)	Fail to prominently display certificate of recognition of firearms' club	\$2,500	-
	<i>Expiation fee</i>	\$210	
73(1)	Fail to notify Registrar of variation/additional activities within 28 days	\$2,500	-
	<i>Expiation fee</i>	\$210	
73(2)	Fail to notify Registrar of variation to club rules or constitution	\$2,500	-
	<i>Expiation fee</i>	\$210	
73(3)	Fail to notify Registrar or change to controlling members of club	\$2,500	-
	<i>Expiation fee</i>	\$210	
73(4)	Fail to comply with request for information about club	\$2,500	-
	<i>Expiation fee</i>	\$210	
74	Granting membership of club without applicant meeting requirements	\$2,500	-
	<i>Expiation fee</i>	\$210	
75(1)	Fail to keep proper records of members, visitors etc	\$2,500	-
	<i>Expiation fee</i>	\$210	
75(2)	Fail to produce keep and produce records for inspection by Registrar	\$2,500	-
	<i>Expiation fee</i>	\$210	
76	Fail to notify Registrar with details of change of membership within 28 days	\$2,500	-
	<i>Expiation fee</i>	\$210	
79	Fail to comply with condition of approval of range operator	\$5,000	-
	<i>Expiation fee</i>	\$1,250	
80(2)	Fail to prominently display certificate of recognition of range operator	\$2,500	-
	<i>Expiation fee</i>	\$210	
81(1)	Fail to notify Registrar of variation/additional activities within 28 days	\$2,500	-
	<i>Expiation fee</i>	\$210	
81(2)	Fail to notify Registrar of variation to constitution, directors, shareholders	\$2,500	-

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	<i>Expiation fee</i>	\$210	
81(3)	Fail to comply with request for information about range operator <i>Expiation fee</i>	\$2,500 \$210	-
82	Allowing an employee to use an untethered firearm without a licence or course and supervision of authorised person <i>Expiation fee</i>	\$5,000 \$315	-
85	Fail to comply with condition of approval of paint-ball grounds <i>Expiation fee</i>	\$5,000 \$1,250	-
86(2)	Fail to prominently display certificate of recognition of firearms' club <i>Expiation fee</i>	\$2,500 \$210	-
87(1)	Fail to notify Registrar of variation/additional activities within 28 days <i>Expiation fee</i>	\$2,500 \$210	-
87(2)	Fail to notify Registrar of variation to constitution, directors, shareholders <i>Expiation fee</i>	\$2,500 \$210	-
87(3)	Fail to comply with request for information about paint-ball operator <i>Expiation fee</i>	\$2,500 \$210	-
88(7)	Fail to return paint-ball operator accreditation upon cancellation	\$750	
89(2)	Fail to keep and produce records relating to paint-ball firearms	\$2,500	-
89(3)	Fail to comply with request for information about course	\$2,500	-
90	Employ unaccredited paint-ball operator on or after 1 July 2018 <i>Expiation fee</i>	\$5,000 \$315	-
Part 11	Mandatory reporting and other obligations		
92	Fail to report threat to safety due to keeping of firearm at premises <i>Expiation fee</i>	\$2,500 \$315	-
93	Fail to report lack of security of firearms, ammunition or accessories <i>Expiation fee</i>	\$2,500 \$315	-
Part 12	Miscellaneous		
98(2)	Possession of firearm or firearm part, other than category A, B or H at arms fair <i>Expiation fee</i>	\$5,000 \$315	-
98(3)	Display 2 or more identical firearms or firearms parts or more than 50 rounds ammunition at arms fair <i>Expiation fee</i>	\$5,000 \$315	-
101	Advertise firearm for sale without identifying marks or statement as to delivery <i>Expiation fee</i>	\$2,500 \$315	-
104(1)	Fail to keep proper records when licence, permit, approval or other authority Suspended, cancelled, revoked, or otherwise lapsed	\$2,500	-
104(2)	Fail to produce required records to Registrar or police officer	\$2,500	-
104(3)	Making alteration to record affecting legibility of entry altered	\$2,500	-

Schedule 1 – Code of practice for the Security, Storage and Transport of Firearms, Ammunition and Related Items

*Please refer back to section 35 of the Act listed above for offence categories and corresponding penalties

		Offence Category
Part 2	Security and storage of firearms and ammunition etc	
Division 1	General provisions relating to storage of firearms and ammunition etc	
5	Fail to take all reasonable precautions to prevent loss or theft <i>Prescribed firearm</i> <i>Category C, D or H firearm</i> <i>Any other firearm or sound moderator or restricted firearm mechanism</i> <i>Ammunition</i>	Category C Category D Category E Category F
6	Storing or displaying loaded firearm	Category C
7(1)	Fail to take all reasonable precautions to prevent loss or theft of key/code	Category C
7(3)	Fail to keep key for ammunition separate from firearm	Category C

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7(5)	Fail to keep key for firearm separate from ammunition	Category C
7(7)	Fail to keep key for vehicle containing firearm on or about person	Category C
8(1)	Changing place of firearm without notice to Registrar <i>Expiation fee</i>	Category E \$315
8(3)	Changing manner of possession without notice to Registrar <i>Expiation fee</i>	Category E \$315
9(1)	Fail to notify Registrar that firearm being kept in storage for more than 14 days <i>Expiation fee</i>	Category E \$315

Division 2 Storage of firearms and ammunition

10(3)(a)	Fail to keep paint-ball firearm in building at principal place of residence/business	Category C
10(3)(b)(i)	Fail to lock paint-ball firearm/s in level 1 or prescribed safe in building	Category D
10(3)(b)(ii)	Fail to lock more than 20 paint-ball firearms in accordance with storage level 1	Category C
11(3)(a)	Fail to keep firearm in building at principal place of residence/business	Category B
11(3)(b)(i)	Fail to lock up firearm/s as set out	Category C
11(3)(b)(ii)	Fail to lock up firearm/s including at least one category C, D or H as set out	Category C
11(3)(b)(iii)	Fail to lock up 29 category H firearms (and less than 35 altogether) as set out	Category B
11(3)(b)(iv)	Fail to lock up 29 category H firearms (and less than 50 altogether) as set out	Category B
11(3)(b)(v)	Fail to lock up 50 or more firearms as set out	Category A
11(3)(b)(vi)	Fail to lock up 30 or more category H firearms as set out	Category A
12(2)	Fail to keep ammunition at principal place of residence/business	Category B
12(4)	Fail to keep ammunition in building in locked container separate from firearms <i>Expiation fee</i>	Category F \$210
13(2)(a)	Fail to keep sound moderator or restricted firearm mechanism in building at principal place of residence/business	Category B
13(2)(b)	Fail to lock up sound moderator or restricted firearm mechanism as set out	Category C
14(2)	Fail to secure firearm using best means reasonably available in circumstances when not residing at or occupying premises where firearm ordinarily kept <i>Firearm</i> <i>Ammunition</i>	Category C Category F
15(2)	Fail to secure firearm using best means reasonably available when not residing at or occupying premises where sound moderator or restricted firearm mechanism ordinarily kept	Category C

Division 3 Licensed dealers

Please refer to regulations directly for offences under this division

Division 4 Display of firearms, firearm parts or ammunition at arms fair

Please refer to regulations directly for offences under this division

Division 5 Shared use of safes and strongrooms by persons residing at or occupying shared premises

Please refer to regulations directly for offences under this division

Division 6 Persons who carry on business of storing goods

24(1)	Fail to keep firearm or ammunition in unmarked container or compartment	Category E
24(3)(a)	Fail to notify theft or loss to police orally within 24 hours	Category D
24(3)(b)	Fail to notify theft or loss to Registrar in writing within 7 days	Category D

Part 3 Transport of firearms and ammunition

25(1)	Fail to take all reasonable precautions to prevent firearm or ammunition from being lost or stolen etc while being transported <i>Prescribed firearm</i> <i>Category C, D or H</i> <i>Any other firearm</i> <i>Ammunition</i>	Category C Category D Category E Category F
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26(1)	Fail to secure within available lockable compartment or container fixed to vehicle, vessel or aircraft and keep firearm and ammunition separate	
	<i>Prescribed firearm</i>	Category C
	<i>Category C, D or H firearm</i>	Category D
	<i>Any other firearm</i>	Category E
	<i>Ammunition</i>	Category E
	<i>Ammunition expiable</i>	\$315
26 (4)	Fail to cover, conceal or otherwise place out of sight while in vehicle, vessel or aircraft	Category E
26(6)	Fail to transport firearm or ammunition in unmarked compartment or container	Category E
27(1)	Transporting loaded firearm	Category C
28(1)	Leave vehicle, vessel or aircraft transporting firearm or ammunition unattended unless reasonable excuse and securely locked	Category C
29(1)	Commercial transport of firearm and ammunition in same vehicle unless With owner or within separate containers or compartments	Category E
	<i>Expiation fee</i>	\$315
29(3)(a)	Commercial transport fail to report theft or loss to police orally within 24 hours	Category D
29(3)(b)	Commercial transport fail to report theft or loss to Registrar in writing within 7 days	Category D