**ORDER – FIREARMS ORDER AND ACKNOWLEDGEMENT**

**Firearms Act 2015 s 66(2)**

[*SUPREME/DISTRICT/MAGISTRATES/**YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT*] **Select one** COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

**[*FULL NAME*]**

**Informant/R**

**v**

**[*FULL NAME*]**

**Defendant/Youth**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Defendant/Youth |  | | | |
| **Full Name** | | | |
| Address |  | | | |
| **Street Address (including unit or level number and name of property if required)** | | | |
|  |  |  |  |
| **City/town/suburb** | **State** | **Postcode** | **Country** |
|  | | | |
| **Email address** | | | |
| Date of Birth/Licence no |  | |  | |
| **Date of Birth** | | **Driver’s Licence no (if any)** | |
| Phone Details |  | |  | |
| **Type (eg. Home; work; mobile) – Number** | | **Another number** | |

|  |
| --- |
| **Introduction**  **Hearing**  Hearing Location: [*Enter* *suburb*]  [*Enter* *Hearing date*]  [*Enter Presiding Officer*]  **Appearances**  [*Enter Informant/R Appearance Information*]  [*Enter Defendant/Youth Appearance Information*]  **Remarks**   1. The Court has formed the view that the [*Defendant/Youth*] [*name*], who has possession of a firearm, ammunition, firearm part, sound moderator or restricted firearm mechanism, is not a fit and proper person to have possession of that item. |

|  |
| --- |
| **Order**  **Date of Order**: [*date*]  **Terms of Order**  The Court Orders that:   * 1. orders that the following property of the [*Defendant/Youth*] be delivered into the custody of the [*Commissioner of Police/other person*] **includes offensive weapons and firearms under s 180 of the *Criminal Procedure Act 1921***   + for a period of [no of years] [no of months] [no of days].   + until further order. * 2. the firearms licence [*licence number*] held by the Defendantis:   + subject to the following conditions: * **provision for multiple** [*description of condition*].   + suspended until [*date/further order*].   + cancelled. * 3. the Defendant is disqualified from holding or obtaining a licence until [*date/further order*]. * 4. orders that until further order the [*Defendant/Youth*] be subject to the Firearms Prohibition Order in the terms set out below   + subject to the following amendments: **(see Firearms Act 2015 ss 66(3)(b) and 45(17))**  1. [*amendments in numbered paragraphs*]  * 5. orders that the [*Defendant/Youth*] be prohibited from possessing [*an offensive weapon of any kind/specify kind(s) of offensive weapon*]   + for a period of [no of years] [no of months] [no of days].   + until further order. * 6. [*other orders*]. |

|  |  |
| --- | --- |
| **Firearm Prohibition Conditions** | |
| Subject to any exemptions set out above or in a notice in writing from the Registrar of Firearms, the following conditions are conditions of a Firearm Prohibition Order under section 45 of the *Firearms Act 2015*. | |
|  | Any licence or permit under the *Firearms Act 2015* held by the [*Defendant/Youth*] is suspended while the Firearm Prohibition Order is in force. |
|  | The [*Defendant/Youth*] must not acquire, possess or use a firearm (e.g. guns), a firearm part, a sound moderator or ammunition. |
|  | The [*Defendant/Youth*] must immediately surrender (hand in) to the Registrar of Firearms any and all firearms (e.g. guns), firearm parts, sound moderators and ammunition owned by them or in their possession. |
|  | The [*Defendant/Youth*] must not be present at:   1. the grounds of a firearms club, paintball operator or the range of a commercial range operator; 2. a shooting gallery; 3. an arms fair; 4. a place where a person carries on the business of repairing, modifying or testing firearms (e.g. guns), firearm parts or ammunition, or buying, selling or hiring out firearms, firearm parts or ammunition; 5. a place where a person manufactures a firearm, firearm part, or sound moderator; 6. a place where a person carries on the business of refurbishing firearms; or 7. any other place of a kind prescribed by regulation. |
|  | The [*Defendant/Youth*] must not become or remain a member of a firearms club. |
|  | The [*Defendant/Youth*] must not be in the company of a person who has physical possession or control of a firearm (e.g. guns). |
|  | The [*Defendant/Youth*] must not be present or reside at premises on which there is a firearm (e.g. guns), firearm part, sound moderator or ammunition. |
|  | The [*Defendant/Youth*] must inform each other person of or over the age of 18 years who resides or proposes to reside at the same premises of the fact that a Firearms Prohibition Order is in force against the [*Defendant/Youth*] and ask each such person whether or not they have or propose to have a firearm (e.g. guns), firearm part, sound moderator or ammunition on the premises. |
|  | Any person who supplies the [*Defendant/Youth*] with a firearm (e.g. guns), firearm part, a sound moderator or ammunition commits an offence. |
|  | Any person who permits the [*Defendant/Youth*] to gain possession of a firearm, firearm part, a sound moderator or ammunition commits an offence. |
|  | Any person who has physical possession or control of a firearm whilst in the [*Defendant/Youth*]’scompany commits an offence. |
|  | Any person who brings a firearm, firearm part, sound moderator or ammunition onto, or has possession of any such item on, the premises where the [*Defendant/Youth*] resides commits an offence. |
|  | If the [*Defendant/Youth*] changes address, the [*Defendant/Youth*] must give the Registrar of Firearms written notice of the new address within 7 days. |
|  | Any person who fails to or refuses, without reasonable excuse, to comply with a requirement by a police officer, who suspects on reasonable grounds is the subject of a Firearms Prohibition Order, to state their full name, address and date of birth and the full name of persons with whom they reside commits an offence. |

**Next warning box displayed unless Youth Court**

|  |
| --- |
| **To the Defendant: WARNING**  If you fail to obey the terms of this order and **if applicable** the Firearm Prohibition Conditions, **you will be guilty of an offence and may be liable for a fine of up to $75,000 or up to 15 years imprisonment***.*  Any person who fails to obey term 10 of the Firearms Prohibition Order **also** **commits an offence and may be liable for a fine of up to $75,000 or up to 15 years imprisonment***.* |

**Next warning box displayed if Youth Court**

|  |
| --- |
| **To the Youth: WARNING**  If you fail to obey the terms of this order and **if applicable** the Firearm Prohibition Conditions, **you will be guilty of an offence and may be liable for a fine of up to *$*2,500 or up to 3 years detention***.*  Any person who fails to obey term 10 of the Firearms Prohibition Order **also** **commits an offence and may be liable for a fine of up to 2,500 or up to 3 years detention***.* |

|  |
| --- |
| …………………………………………  Signature of Court Officer  [*title and name*] |

|  |
| --- |
| **Acknowledgement by [*Defendant/Youth*]**  I acknowledge that I have received a copy of this Firearms Order. I understand its effect and I understand what will happen if I fail to comply with this order.  …………………………………………  Signature of Defendant/Youth  …………………………………………  Full name of Defendant/Youth  ………………………….  Date  **Witness**  ………………………………………………  Signature of authorised witness  **witness must be a Judicial Officer, a registrar of the Court, or a justice of the peace**  **next item not displayed if witness is sentencing Judicial Officer**  ………………………………………….  Printed name and title of witness **stamp here if applicable**  ………………………….  Date |