**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**

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| 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** |

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| **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.
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| **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*].
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| **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.
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|  | 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**

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| **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**

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| **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***.*  |

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

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| **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 |