

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – FIREARMS ORDER

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

The Court is satisfied that:

- ☐ (a) a firearm was used in the commission of an offence
- ☐ (a) the commission of an offence was facilitated by the use of a firearm
- ☐ (a) in the circumstances is it expedient that an order be made under section 180 of the *Criminal Procedure Act 1921*
- ☐ (b)

Order**Date of Order:** [date]**Terms of Order**Pursuant to section 180 of the *Criminal Procedure Act 1921*, it is ordered that:

Orders in separately numbered paragraphs.

- ☐ 1. [description of firearm/ammunition/firearm part/sound/moderator/restricted firearms mechanism] in the Respondent's possession be [description of manner of disposal directed by Court].
- ☐ 2. the firearms licence [licence number] held by the Respondent is:
 - ☐ subject to the following conditions:
 - provision for multiple [description of condition].
 - ☐ suspended until [date/further order].
 - ☐ cancelled.
- ☐ 3. the Respondent is disqualified from holding or obtaining a licence until [date/further order].
- ☐ 4. the Respondent is subject to a Firearms Prohibition Order within the meaning of section 45 of the *Firearms Act 2015* until further order.
- ☐ 5. optional if order 4 selected above [set out any exemptions to the Firearms Prohibition Order] see the *Firearms Act 2015* s 45(17)
- ☐ 6. [other].

Next box only to appear if Firearms Prohibition Order

Firearm Prohibition ConditionsSubject 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*.

- 1. Any licence or permit under the *Firearms Act 2015* held by the Respondent is suspended while the Firearm Prohibition Order is in force.
- 2. The Respondent must not acquire, possess or use a firearm (e.g. guns), a firearm part, a sound moderator or ammunition.
- 3. The Respondent 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.
- 4. The Respondent must not be present at:
 - a. the grounds of a firearms club, paintball operator or the range of a commercial range operator;
 - b. a shooting gallery;
 - c. an arms fair;
 - d. 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;
 - e. a place where a person manufactures a firearm, firearm part, or sound moderator;
 - f. a place where a person carries on the business of refurbishing firearms; or
 - g. any other place of a kind prescribed by regulation.
- 5. The Respondent must not become or remain a member of a firearms club.
- 6. The Respondent must not be in the company of a person who has physical possession or control of a firearm (e.g. guns).
- 7. The Respondent must not be present or reside at premises on which there is a firearm (e.g. guns), firearm part, sound moderator or ammunition.
- 8. The Respondent 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 Respondent

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.

9. Any person who supplies the Respondent with a firearm (e.g. guns), firearm part, a sound moderator or ammunition commits an offence.
10. Any person who permits the Respondent to gain possession of a firearm, firearm part, a sound moderator or ammunition commits an offence.
11. Any person who has physical possession or control of a firearm whilst in the Respondent's company commits an offence.
12. 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 Respondent resides commits an offence.
13. If the Respondent changes address, the [*Defendant/Youth*] must give the Registrar of Firearms written notice of the new address within 7 days.
14. 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.

To the Respondent: WARNING

If you fail to comply with the terms of this order, you will be guilty of an offence and may be liable for a fine of up to \$75,000 or up to 10 years imprisonment.

Authentication

.....
Signature of Court Officer
[*title and name*]

Acknowledgement by [*Defendant/Youth*]

I acknowledge that I have received a copy of this Firearm 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