



When a loved one dies it may be hard to keep up with all the different things that have to be arranged and managed. This information sheet explains how to manage the firearms of a recently deceased person. We hope that having this information makes this task easier at such a difficult time.

### General information

- If you have any questions or are unsure what to do with respect to inherited firearms, please contact Firearms Services for advice.
- If you are aware that any of the deceased person's firearms are unregistered, you have to surrender them to police as soon as possible (see *Information Sheet 9 Amnesty & Surrender*).
- If the deceased person had registered firearms, you can choose to surrender those firearms to police (temporarily), or give them to a "keeper" as soon as reasonably practical after gaining possession of the firearms.
- You can contact Firearms Services to ask if particular firearms are registered.
- It is unlawful to possess an unsafe firearm. If you believe that any of the firearms are unsafe, you should surrender them to police or to a dealer for repair. Police may also seize any firearm in the possession of any person

if the police officer suspects on reasonable grounds that the firearm is unsafe.

- It is unlawful to possess a firearm part unless you are authorised by a licence or permit to possess a firearm of the same category as the firearm part. Firearms Services encourages you to provide inherited firearm parts to police or to a person who can lawfully possess them for this reason.
- It is unlawful to possess ammunition unless you hold a licence for a firearm which takes that ammunition or are otherwise authorised by the Commissioner in writing to possess that ammunition. Firearms Services encourages you to provide inherited ammunition to police or to a person who can lawfully possess the ammunition for this reason.
- If the deceased person had a firearms licence but did not have any firearms, Firearms Services may contact you to confirm this.
- If there is no will, or the ownership of the firearms is uncertain, you may need to seek legal advice on what to do next.

### Keepers

- A person who takes care of the firearms while ownership of the firearms is established is called a "keeper".
- **Any person** who has a firearms licence of the same category as the firearms (and can store the firearms according to the storage requirements) can be a keeper. This includes, but is not limited to, a firearms dealer, the deceased person's spouse, adult child or friend.

- Firearms must be given to a keeper as soon as reasonably practicable after gaining possession of the firearm following the person's death.
- Firearms Services should be informed of the keeper's name and which firearms they have been provided.
- Being a keeper is a serious responsibility and there are rules about what keepers have to do, what they can do and what they cannot do.
- Upon a legitimate request, a keeper must take firearms to a dealer to be sold within a reasonable time.
- Please note that if you have 10 or more firearms, or any Category H firearms, as a result of being a keeper, you need an electronic security device (see *Information Sheet 28 Storage - Electronic Security Device*).

## The rules for being a keeper include

- Keepers must keep the firearms in safe custody until:
  - the firearm is lawfully claimed by a person beneficially entitled to it who is also entitled to possess or use it under the *Firearms Act 1996*; **or**

the keeper is requested:

- by a person who is beneficially entitled to the firearm and is not entitled to possess or use it under the *Firearms Act 1996*; or
- by a person who is the personal representative or the trustee of the deceased person or, if there is no personal representative or trustee of the deceased person, a person beneficially entitled to part of the proceeds of sale of the firearm—  
to deliver the firearm to a licensed firearms dealer for sale by the dealer on behalf of the persons beneficially entitled.
- If there is no personal representative or trustee of the deceased person's estate and there is more than one person beneficially entitled to the proceeds of sale a majority of those persons beneficially entitled may request that the keeper deliver the firearm to a licensed firearms dealer nominated by that majority. If this is the case, the keeper is required to comply with this request and not the request of a single beneficiary.

## Passing on ownership of firearms

- Once you know who the deceased person left the firearm/s to, you are requested to provide a document proving who owns the firearm/s to Firearms Services (this is so Firearms Services can make sure the firearms go to the right person).
- The types of documents which can be used to prove ownership of the firearms are things like a certified copy of the will, or a certified copy of the grant of probate or administration. A Justice of the Peace can certify a copy of a document.
- The new owner must have a firearms licence of the same category as the firearms they are inheriting. It may not be possible to get a Category C, D or H (see *Information Sheet 3 Firearm Licence categories*) licence as these categories are highly restricted.
- The new owner must make an application for a permit to acquire for each firearm.
- The firearms need to be registered to the new owner, Firearms Services will arrange this when we process the application for the permit to acquire.
- If the firearms have been given to you by your grandparent, parent, sibling, uncle or aunt, then you may be able to possess the firearms under an Heirloom Licence (see *Information Sheet 38 Heirloom Licence*).
- Persons can also hand any firearms to Tasmania Police at any time under firearms amnesty (see *Information Sheet 9 Amnesty & Surrender*).



### TASMANIA POLICE FIREARMS SERVICES

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