

Federal Firearms Licensing Act 2026 (Cth)

Drafted for illustrative purposes

February 2026

Preamble

WHEREAS the Commonwealth of Australia seeks to establish a uniform national framework for the licensing, regulation, and ownership of firearms, pursuant to the powers conferred by section 51(ii) of the Constitution (taxation) and in reinforcement of section 117 (rights of residents in States), and in anticipation of a hypothetical amendment under section 114A establishing a constitutional right to bear arms;

AND WHEREAS the purpose of this Act is to provide well-regulated, functional, and uniform regulation of firearms across all States and Territories, eliminating fragmented jurisdictions and ensuring congruent subject matter jurisdictions through State-ratified processes;

AND WHEREAS this Act establishes a fee-for-service model to administer public law obligations, grounded in substantial nexus principles, with private agent stream compliant actions;

AND WHEREAS States retain inherent powers to prosecute illegal usage of firearms, while federal mechanisms address prohibitions and licensing;

AND WHEREAS this Act aligns closely with the *Competition and Consumer Act 2010* (Cth) (CCA) to enhance consumer protections, warranty obligations, and dealer assurances;

AND WHEREAS the National Firearms Agreement (NFA) and existing State firearms registries shall cease to operate upon commencement of this Act, with all licensing and dealer operations transitioning to federal oversight;

AND WHEREAS provisions are made to protect Indigenous cultural rights to landcare, including firearms ownership and preservation of cultural practices, with equivalent application to rural farm properties for viability and ethical culling;

AND WHEREAS this Act distinguishes between lawful and illegal firearms ownership, emphasizing proof of purchase, CCA-compliant warranties, and the preservation of serial numbers;

NOW THEREFORE, the Parliament of the Commonwealth enacts as follows:

1 Preliminary

1.1 Short Title

This Act may be cited as the *Federal Firearms Licensing Act 2026*.

1.2 Commencement

This Act commences on the day it receives Royal Assent.

1.3 Objects of the Act

The objects of this Act are:

- (a) To establish a federal licensing regime for firearms and dealers, promoting uniform regulation across Australia;
- (b) To reinforce constitutional principles under sections 51(ii), 117, and hypothetical 114A, ensuring a well-regulated right to bear arms;
- (c) To abolish the NFA and State registries, replacing them with a federal system aligned with the CCA 2010;
- (d) To provide greater protections for firearms dealers and owners through CCA mechanisms, including warranties and records;
- (e) To distinguish lawful ownership (evidenced by proof of purchase, CCA warranty, and preserved serial numbers) from illegal ownership (including unauthorized removal of serial numbers, punishable by a 10-year federal prohibition order);
- (f) To incorporate Indigenous and rural exemptions for cultural and practical purposes;
- (g) To impose fees for licensing services on a cost-recovery basis.

1.4 Definitions

In this Act:

- *Antique or collectable firearm* means a firearm that cannot be reasonably incorporated into law enforcement or military use, including but not limited to old Western Colts, bolt-action rifles, single-shot shotguns, straight-pull rifles, and single-shot handguns.
- *Full automatic firearm* means a firearm capable of continuous fire with a single trigger pull.
- *Illegal usage* means any criminal act involving a firearm, as determined by federal or State courts.
- *Indigenous cultural rights* include rights to landcare, hunting, and cultural preservation under native title or equivalent frameworks.
- *Rural area* means any area outside urban zones as defined by the Australian Bureau of Statistics.

- *Semi-automatic firearm* means a firearm that reloads automatically but requires a separate trigger pull for each shot.
- *Urban area* means a major city or town as defined by the Australian Bureau of Statistics.
- *Track history of illegal usage* means a conviction or finding of guilt for firearms-related offenses within the past 10 years.

2 Federal Licensing Regime

2.1 Establishment of Federal Firearms Licensing Authority

- (1) There is established the Federal Firearms Licensing Authority (FFLA), administered by the Australian Taxation Office under section 51(ii).
- (2) The FFLA shall handle all firearms and dealer licensing, with fees charged on a fee-for-service basis to cover administrative costs.
- (3) Licensing processes shall be handled through State-ratified mechanisms, ensuring no fragmented jurisdictions and full congruence with State powers.

2.2 Abolition of Existing Frameworks

Upon commencement:

- (a) The National Firearms Agreement ceases to have effect;
- (b) All State and Territory firearms registries are dissolved, with records transferred to the FFLA.

2.3 Dealer Licensing and Records

- (1) All firearms dealers must obtain a federal license from the FFLA, aligning with CCA 2010 requirements.
- (2) Dealer records of sales shall be utilized for CCA 2010 warranty purposes, providing greater protections for dealers and owners.
- (3) The FFLA shall provide reassurance and guidance to dealers on operational concerns, including streamlined compliance.

2.4 Firearms Categories and Licensing Requirements

- (1) Antique or collectable firearms require no license in urban or rural areas.
- (2) Semi-automatic firearms:
 - (a) Require licensing in urban areas;
 - (b) Require no licensing in rural areas, to enhance farm viability and ethical culling.
- (3) Full automatic firearms:

- (a) Are prohibited in urban areas except for special business ventures or firearms education, where licenses may be granted by the FFLA.
- (4) All other firearms not specified require federal licensing unless exempted.

2.5 Prohibitions and Orders

- (1) Persons with a track history of illegal usage may be subject to a 10-year federal prohibition order, preventing purchases from licensed dealers.
- (2) A grace period for good behavior may reduce or lift the order, as determined by the FFLA.
- (3) Removing serial numbers from a firearm is illegal and attracts a 10-year federal prohibition order.
- (4) States retain powers to prosecute illegal usage, independent of federal licensing.

2.6 Indigenous and Rural Provisions

- (1) This Act protects Indigenous rights to landcare, including firearms ownership for cultural preservation and hunting.
- (2) Equivalent protections apply to farm properties in rural areas, recognizing firearms' role in viability and ethical practices.
- (3) No licensing requirements shall infringe these rights, subject to federal oversight for safety.

2.7 Federal Licensing Doctrine

- (1) A national licensing doctrine is established, covering all States and Territories with guided principles for well-regulation.
- (2) The doctrine emphasizes substantial nexus to constitutional powers, private agent compliance, and uniform application.

3 Enforcement and Distinctions

3.1 Lawful vs Illegal Ownership

- (1) Lawful ownership is established by:
 - (a) Proof of purchase from a licensed dealer;
 - (b) CCA 2010-compliant warranty;
 - (c) Preserved serial numbers.
- (2) Illegal ownership includes any firearm without these elements or used in contravention of this Act.

3.2 States' Retained Powers

States may prosecute illegal usage under their criminal laws, without prejudice to federal prohibitions.

4 Miscellaneous

4.1 Regulations

The Governor-General may make regulations prescribing matters required or permitted by this Act.

4.2 Sunset Clause

This Act ceases to have effect 10 years after its commencement, unless extended by resolution of both Houses of Parliament.