

# FFLA License and Non-License Criteria Test

Objective Prohibition Grounds under the Federal Firearms Licensing Act 2026 (Cth)

Drafted for illustrative and analytical purposes

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## 1 Executive Summary

This report establishes the Federal Firearms Licensing Authority (FFLA) criteria for granting licenses (for semi-automatic and full-automatic firearms) and non-license eligibility (for low-risk firearms such as antique/collectable, bolt-action, straight-pull, single-shot handguns, and single-shot shotguns).

Recognising that “mental illness” is inherently subjective and prone to misuse or stigma, the FFLA adopts an objective, evidence-based test for prohibitions. Prohibitions are limited to verifiable medical, genetic, physical, substance-related, or criminal grounds, with built-in grace periods and rehabilitation pathways to encourage compliance.

The test aligns with the *Federal Firearms Licensing Act 2026* (Cth) (the Act) and its Doctrine, emphasising functional regulation, well-regulated liberty, and constitutional principles (sections 51(ii), 117, and hypothetical 114A). It distinguishes between license-required (higher-risk) and non-license (low-risk) firearms, applying stricter scrutiny to semi-automatic/full-automatic categories to mitigate public safety risks while respecting Indigenous, rural, and consumer protections.

Prohibitions are not permanent barriers; they include 2-year review windows for good behaviour and rehabilitation, reducing incentives for black market activity by promoting lawful pathways.

## 2 Licensing Categories

### 2.1 Non-License Firearms (Exempt from Licensing)

- **Eligible Types:** Antique/collectable firearms (e.g., old Western Colts); bolt-action rifles; straight-pull rifles; single-shot handguns; single-shot shotguns.
- **Criteria for Eligibility:** No license required in urban or rural areas, provided the applicant passes the Prohibition Test (below). Ownership must comply with lawful proofs (proof of purchase, preserved serial numbers, CCA 2010 warranty).
- **Rationale:** These firearms are functionally low-risk (single-shot per cycle, limited range/rapid fire capacity), aligning with risk-proportionate regulation.

## 2.2 License-Required Firearms

- **Eligible Types:** Semi-automatic firearms (urban areas only; exempt in rural for farm viability/ethical culling); full-automatic firearms (urban areas for special business ventures/education only).
- **Criteria for Eligibility:** Must pass the Prohibition Test, complete Basic Firearms Education Program (including advanced modules for these types), and demonstrate need (e.g., rural use or business). Strictest measures apply, including enhanced background checks.
- **Rationale:** Higher functional risk (rapid fire capability) necessitates licensing to ensure safety, with urban/rural distinctions protecting cultural practices.

## 3 FFLA Prohibition Test

The Prohibition Test is an objective assessment administered by the FFLA during applications or reviews. It replaces subjective “mental illness” evaluations with verifiable criteria, using medical evidence, genetic testing, and official records. Applicants must consent to checks (e.g., via health records, with privacy protections under federal law). Prohibitions result in a 10-year federal order (per the Act), but include grace periods and appeals.

### 3.1 Ground 1: MRI-Detected Brain Anomalies

- **Criteria:** Verifiable anomalies via MRI scans, such as those associated with Multiple Sclerosis (MS) or similar neurological conditions that impair cognitive or motor functions relevant to safe firearm handling (e.g., lesions affecting decision-making or coordination).
- **Evidence Required:** Recent MRI report from a qualified neurologist, confirmed by FFLA medical panel.
- **Exemptions/Reviews:** If managed (e.g., via treatment), a 2-year stability period allows reapplication with medical clearance.
- **Application to Licenses:** Applies equally, but semi/full-auto licenses require additional functional assessments (e.g., simulated handling tests).

### 3.2 Ground 2: Molecular/Genetic Links (e.g., Huntington’s Disease)

- **Criteria:** Confirmed genetic markers via molecular testing (e.g., CAG repeats in Huntington’s gene) linked to progressive neurological degeneration affecting judgment, motor control, or impulse regulation.
- **Evidence Required:** Genetic test results from accredited labs, reviewed by FFLA experts.
- **Exemptions/Reviews:** Asymptomatic carriers may qualify with annual monitoring; symptomatic individuals get a 2-year review if symptoms stabilise.

- **Application to Licenses:** Stricter for semi/full-auto, requiring proof of no current impairment.

### 3.3 Ground 3: Conditions or Infirmities Causing Significant Loss of Motor Control, Mental Ability, or Physical Issues

- **Criteria:** Diagnosed conditions (e.g., advanced Parkinson’s, severe dementia, or physical disabilities like profound tremors) that objectively impair safe firearm operation, as evidenced by clinical assessments.
- **Evidence Required:** Medical certification from specialists, including functional tests (e.g., grip strength, cognitive scoring).
- **Exemptions/Reviews:** Adaptive aids (e.g., modified grips) may waive prohibition; 2-year good health window for re-evaluation.
- **Application to Licenses:** Non-license firearms may have leniency if impairment is minor; semi/full-auto barred if any risk.

### 3.4 Ground 4: Ongoing Drug and Alcohol Abuse

- **Criteria:** Active abuse of substances, including alcohol, benzodiazepines, psychostimulants (e.g., ADHD medications), or certain antidepressants linked to risks like suicidality, homicidality, or mass incidents (e.g., SSRIs with black-box warnings). “Ongoing” means use within the past 6 months without medical supervision.
- **Evidence Required:** Toxicology screens, prescription records, or treatment history; FFLA analyses specific drugs for risk (e.g., via evidence-based reviews of side effects).
- **Exemptions/Reviews:** Rehabilitated individuals (e.g., 2 years clean, verified by programs like AA/NA or medical affidavits) are exempt from further scrutiny. Medically prescribed use under supervision may qualify with risk mitigation (e.g., monitoring).
- **Application to Licenses:** Semi/full-auto require clean history for 5 years; non-license for 2 years.

### 3.5 Ground 5: Criminal History

- **Criteria:**
  - Active criminal history (convictions or charges within 2 years): Instant dismissal.
  - History of illegal firearms (e.g., without serial numbers): Requires 2-year good behaviour window, demonstrated by compliance (e.g., voluntary surrender, lawful purchases).
- **Evidence Required:** National police check; court records.
- **Exemptions/Reviews:** Non-violent offences may have reduced windows; full rehabilitation (e.g., community service completion) lifts prohibitions.

- **Application to Licenses:** Strictest for semi/full-auto: No history allowed within 5 years; non-license allows minor offences with 2-year clearance.

## 4 Implementation and Appeals

- **Process:** Applicants submit via FFLA portal; automated checks supplemented by panel reviews. Fees on cost-recovery basis.
- **Appeals:** To federal tribunals, with just terms compensation if prohibition deemed erroneous.
- **Integration with Act/Doctrine:** Aligns with stakeholder reviews for periodic updates; protects Indigenous/rural rights (e.g., exemptions for cultural use).

## 5 Rationale for the FFLA License and Non-License Criteria Test

### 5.1 Introduction

This rationale justifies the objective Prohibition Test, emphasising evidence-based criteria over subjective assessments like “mental illness”. It supports the Act’s goals of functional regulation and well-regulated liberty, while addressing black market risks.

### 5.2 Key Rationales

- (1) **Objectivity and Fairness:** Subjective mental health labels can stigmatise or discriminate (e.g., against anxiety sufferers). Verifiable grounds (MRI, genetics, etc.) ensure constitutional fairness (hypothetical 114A), reducing arbitrary denials.
- (2) **Public Safety Without Overreach:** Focuses on impairments directly impacting safe handling (e.g., motor loss), aligning with risk-proportionate categories. Stricter semi/full-auto measures target higher-risk firearms.
- (3) **Rehabilitation and Grace Periods:** 2-year windows encourage lawful behaviour, tying into the Act’s grace periods. Exempting rehabilitated drug users prevents permanent exclusion, fostering compliance.
- (4) **Enhancing Lawful Ownership and Preventing Black Markets:** By providing clear, achievable pathways (e.g., good behaviour demonstrations), the test reduces incentives for illegal acquisitions. Criminal history criteria deter repeat offenders while rewarding reform, channelling activity into regulated markets with CCA protections.
- (5) **Constitutional and Adaptive Alignment:** Grounded in section 51(ii) for administration; respects section 117 uniformity. Doctrine-mandated stakeholder reviews (owners, safety advocates) allow evidence-based refinements, e.g., updating drug risk analyses.
- (6) **Economic and Cultural Benefits:** Minimises burdens on rural/Indigenous users; fee-for-service model funds efficient checks. Overall, it promotes a vibrant, safe

firearms culture, positioning the regime as liberty-focused and preventive.

### **5.3 Conclusion**

This test and rationale enhance the Act by creating a balanced, objective system that prioritises safety, rehabilitation, and legality, ultimately curbing black markets through inclusive, functional regulation.