



Australian Capital Territory

# **Firearms Regulation 1997**

**SL1997-13**

made under the

**Firearms Act 1996**

**Republication No 10**

**Effective: 25 March 2005 – 1 June 2006**

Republication date: 25 March 2005

Last amendment made by A2005-13

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Firearms Regulation 1997*, made under the *Firearms Act 1996* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 25 March 2005. It also includes any amendment, repeal or expiry affecting the republished law to 25 March 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

authorised republications to which the *Legislation Act 2001* applies

- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Firearms Regulation 1997

made under the

**Firearms Act 1996**

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Australian Capital Territory

# Firearms Regulation 1997

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Firearms Regulation 1997*.

### 2 Interpretation

(1) In this regulation:

*Note* A definition applies except so far as the contrary intention appears (see Legislation Act, s 155).

**government agency** means a public authority, government department or any other person or body determined by the registrar to be a person or body to whom this definition applies.

**initial application**, in relation to a category of licence, means an application from a person who does not already hold that category of licence.

**reserved area**—see the *Nature Conservation Act 1980*, dictionary.

**target pistol shooter**, for part 4 (Clubs)—see section 31A.

(2) In this regulation, a reference to a category A, category B, category C, category D or category H firearm is a reference to a firearm to which the corresponding category of licence applies.

### 3 Notes

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.



### 3A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to the following offence against this regulation (see Code, pt 2.1):

- s 31D (Target pistol shooters to notify club of change of name or address).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

### 4 Not firearms—Act, s 4, def *firearm*

- (1) In this section:

*pre-percussion pistol* means a muzzle-loading pistol (including a percussion-lock pistol that is muzzle-loading) that uses black powder to propel a projectile, but does not include any breech-loading pistol with a rotating cylinder or any other breech-loading pistol that accepts metallic cartridges.

- (2) The following are declared not to be firearms:

- (a) a pre-percussion pistol;
- (b) a firearm (other than a percussion-fired pistol) manufactured before 1900 for which ammunition is not readily commercially available;
- (c) an explosive-powered tool within the meaning of the *Scaffolding and Lifts Regulation 1950*, part 9A;

- (d) a heavy bench-mounted rifle used for experimental purposes that is of a kind approved by the registrar;
- (e) a tool designed to be used to split or break rock or concrete by means of the firing of an explosive cartridge;

**Example**

the tool known as the ‘Boulder Buster’

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (f) an industrial tool designed to be used in the mining and steel industries to remove refractory material (such as slag) from kilns or for other similar purposes;

**Example**

the tool known as the ‘Slag Buster Kiln Gun’

- (g) a captive bolt gun of the kind designed for use in an abattoir in the humane killing of livestock.

## Part 2 Licences

### Division 2.1 General provisions

#### 4A Minimum participation rates for members of approved clubs—Act, s 4, def *active*, par (a)

- (1) A member of an approved hunting club must, in each calendar year, take part in 4 activities of any approved hunting club that take place on separate days.
- (2) A member of an approved shooting club mentioned in an item in table 4A of shooting club participation rates, column 2 must comply with the minimum participation rate mentioned in the item, column 3.

**Table 4A Shooting club participation rates**

column 1 item	column 2 member	column 3 minimum participation rate
1	the holder of a licence, other than a category H licence	The holder must, in each calendar year, take part in 4 activities of any approved shooting club that take place on separate days.
2	the holder of a category H licence to whom the Act, section 36A (Special conditions for category H licences for sporting or target shooting) applies	The holder must, in each 6-month period mentioned in the Act, section 36A, take part in— (a) 6 shooting competitions that are conducted or organised by an approved shooting club of which the licensee is a member (the <i>member's club</i> ) and that take place on separate days; and (b) if the licensee is authorised by the licence to use 2 or more kinds of pistols—4 shooting competitions (or other shooting events) that are conducted or organised by the member's club for each kind of pistol.

column 1 item	column 2 member	column 3 minimum participation rate
3	the holder of a category H licence, other than a person to whom the Act, section 36A applies	The holder must, in each 12-month period of the licence, take part in— (a) 6 shooting competitions that are conducted or organised by the member's club that take place on separate days; and (b) if the licensee is authorised by the licence to use 2 or more kinds of pistols—4 shooting competitions (or other shooting events) that are conducted or organised by the member's club for each kind of pistol.

## 5 Category C licences

- (1) Despite the Act, section 18 (2), a category C licence may authorise the possession and use of a prohibited firearm (other than a firearm mentioned in the Act, schedule 1, item 6, item 10 or item 11) for the purposes of a shooting competition if—
- (a) the applicant—
    - (i) on 15 November 1996—
      - (A) possessed a semiautomatic or pump-action shotgun for use in clay target competition; and
      - (B) was a member of a club affiliated with the Australian Clay Target Association; and
    - (ii) is a member of a club affiliated with the Australian Clay Target Association; or
  - (b) the application is supported in writing by a statement from an officer of a club affiliated with the Australian Clay Target Association that satisfies the registrar that the applicant is physically unable to compete in clay target competition unless the applicant uses a semiautomatic or pump-action shotgun.

- (2) A person who has been granted a category C licence that authorises the person to possess and use a prohibited firearm (other than a firearm mentioned in the Act, schedule 1, item 6, item 10 or item 11) for the purposes of a shooting competition must not fail to take part in at least 4 clay target competitions organised by a club affiliated with the Australian Clay Target Association in each calendar year.

Maximum penalty: 10 penalty units.

- (3) A person who is granted a category C licence that authorises the person to possess and use a prohibited firearm (other than a firearm mentioned in the Act, schedule 1, item 6, item 10 or item 11) for the purposes of a shooting competition must not use that firearm except—
- (a) on an approved shooting range; and
  - (b) in accordance with the rules of the relevant club affiliated with the Australian Clay Target Association; and
  - (c) for the purposes of a shooting competition or of practice for such a competition.

Maximum penalty: 10 penalty units.

## **6 Applications for licences—particulars and documents**

- (1) For the Act, section 19 (1) (c), the following particulars and documents are prescribed:
- (a) a document of the following type that shows the applicant's residential address:
    - (i) a rates assessment notice that is dated no earlier than 6 months before the date of the application;
    - (ii) a telephone bill or account that is dated no earlier than 6 months before the date of the application;

- (iii) an electricity account that is dated no earlier than 6 months before the date of the application;
  - (iv) a current lease agreement that is dated no earlier than 12 months before the date of the application;
  - (v) a statement from a financial institution that is dated no earlier than 6 months before the date of the application;
- (b) for an applicant for the renewal of a category A, category B or category H licence if—
- (i) the genuine reason for possessing or using the firearm is for sport or target shooting; and
  - (ii) the application does not carry the stamp of an approved club signed by the club's senior instructor;
- a document signed by an approved club's senior instructor confirming that the applicant is a current financial member of the club;
- (c) for an applicant for a category A or category B licence if the genuine reason for possessing or using the firearm is recreational hunting or vermin control on specified rural land—
- (i) the written authority of the owner or occupier of the land to hunt or to control vermin on the land; and
  - (ii) the name and address of the owner or occupier of the land; and
  - (iii) the contact telephone number of the owner or occupier; and
  - (iv) the name (if any), location and size of the land; and
  - (v) what the applicant is allowed to hunt or control; and
  - (vi) dates when the applicant has permission to hunt or control;

- (d) for an application for a category A or category B licence if the genuine reason for possessing or using the firearm is recreational hunting or vermin control on land within a reserved area—an original permit or licence to shoot within the area, or a certified copy of that permit or licence;
- (e) for an applicant for a category A or category B licence if the genuine reason for possessing or using the firearm is primary production—
  - (i) the name (if any), location and size of the land the applicant uses for primary production; and
  - (ii) documentation that demonstrates that—
    - (A) the applicant's occupation is the business of a primary producer; or
    - (B) the applicant is the owner, lessee or manager of land used for primary production; and
  - (iii) a statement signed by the applicant to the effect that the applicant intends to use the firearm solely in connection with farming or grazing activities;
- (f) for a category C licence if the genuine reason for possessing or using the firearm is primary production—
  - (i) a signed statement by the applicant to the effect that—
    - (A) the applicant has a genuine occupational need to use a category C firearm because of his or her occupation related to primary production; and
    - (B) the occupational need cannot be satisfied by the use of a firearm that is not prohibited; and
    - (C) the applicant will not use the firearm to which the application relates except in connection with primary production; and

- (ii) particulars or relevant documents (if any) that support the statements in subparagraph (i) (A) and (B);
- (g) for an applicant for a category C or category D licence if the genuine reason for possessing or using the firearm is vertebrate pest animal control—
  - (i) a statement signed by the applicant to the effect that—
    - (A) the applicant has a genuine occupational need to use a category C or category D firearm for the purposes of vertebrate pest animal control; and
    - (B) the occupational need cannot be satisfied by the use of a firearm that is not prohibited; and
    - (C) the applicant will not use the firearm to which the application relates except in connection with primary production or the genuine occupational need or for the purpose of protecting the environment from the effects of vertebrate pest animals; and
  - (ii) particulars or relevant documents (if any) that support the statements in subparagraph (i) (A) and (B);
- (h) for an applicant for a category H licence if the genuine reason for possessing or using the firearm is business—
  - (i) a statement signed by the applicant to the effect that—
    - (A) in the ordinary course of the applicant's business the applicant receives, carries or escorts not less than the prescribed value of money or valuables at not less than the prescribed frequency; and
    - (B) the applicant intends to continue carrying on the business for the next 12 months; and
    - (C) the applicant has passed an examination in the safe handling and use of a category H firearm conducted by an authorised instructor; and



- (ii) particulars or relevant documents (if any) supporting the applicant's statements;
- (i) for an initial application for a category H licence if the genuine reason for possessing or using the firearm is employment by a security business—a certificate from the person in charge of a security business stating—
  - (i) that the applicant is employed, or is to be employed, by the business and will be required to possess a category H firearm in the course of that employment; and
  - (ii) whether the applicant will be required to wear a uniform or not; and
  - (iii) whether the applicant will be required to carry the firearm concealed or whether it will be visible to the public;
- (j) for an application for the renewal of a category H licence if the genuine reason for possessing or using the firearm is employment by a security business—
  - (i) a certificate from a person in charge of a security business that employs the applicant stating that the particulars provided in relation to the initial application for the licence are still correct or, if they are not, how they have changed; and
  - (ii) a document that establishes that the applicant has passed an examination in the safe handling and use of a category H firearm conducted by an authorised instructor within the period of 90 days immediately before the date of the application;
- (k) for an initial application for a category A or category B licence if the genuine reason for possessing or using the firearm is employment by other than a security business—
  - (i) the name of the employer and a description of the business of the employer; and

- (ii) a statement signed by or on behalf of the employer to the effect that—
  - (A) the employer employs or intends to employ the applicant; and
  - (B) the applicant will be required to use or possess a category A or category B firearm in the course of that employment;
- (l) for an application for the renewal of a category A or category B licence if the genuine reason for possessing or using the firearm is employment by other than a security business—a certificate from the applicant’s employer stating that the particulars provided in relation to the initial application are still correct or, if they are not, how they have changed;
- (m) for an applicant for a category C licence if the genuine reason for possessing or using the firearm is employment (other than by a security business) or occupational requirements relating to rural purposes—
  - (i) a statement signed by the applicant to the effect that—
    - (A) the applicant has a genuine occupational need to use a category C firearm that, if relevant, relates to rural purposes; and
    - (B) the need cannot be satisfied by using a firearm that is not prohibited; and
    - (C) the firearm will be used solely in connection with the applicant’s occupation; and
  - (ii) particulars or documents (if any) supporting subparagraph (i) (A) and (B);
- (n) for an initial application for a category A or category B licence if the genuine reason for possessing or using the firearm is occupational requirements relating to rural purposes—

- (i) a signed statement from a person to the effect that—
    - (A) the applicant is employed by the person in a rural occupation; and
    - (B) for the purposes of that employment the applicant is required to use or possess a category A or category B firearm;
  - (ii) the name (if any), location and size of any property where the applicant will be employed; and
  - (iii) the approximate hours and days when the applicant will be employed;
- (o) for an application for the renewal of a category A or category B licence if the genuine reason for possessing or using the firearm is occupational requirements relating to rural purposes—a statement signed by the applicant’s employer stating that the particulars provided in relation to the initial application are still correct or, if they are not, how they have changed;
- (p) for an initial application for a category A or category B licence if the genuine reason for possessing or using the firearm is animal welfare and the applicant is a prescribed person—
- (i) particulars of the location where the applicant is employed or works; and
  - (ii) a statement signed by the applicant’s employer or, if the applicant is not employed by another person, by the applicant stating that the applicant is required to possess a firearm for the purposes of his or her occupation;
- (q) for an application for the renewal of a category A or category B licence if the genuine reason for possessing or using the firearm is for animal welfare and the applicant is a prescribed person—a signed statement from the employer of the applicant or, if the applicant is not employed by another person, by the

applicant confirming that the applicant is still required to possess a firearm in accordance with the initial application or outlining any changes to the particulars contained in that application;

- (r) for an applicant whose genuine reason for possessing or using a firearm is firearms collection—a document from the approved collectors club of which the applicant is a member stating that—
  - (i) the applicant is a member of the club; and
  - (ii) for a licence that permits the applicant to collect pistols manufactured after 1946—the collection has a thematic structure and the applicant researches or studies firearms; and
  - (iii) for a licence that permits the applicant to collect any other kind of firearm—the collection has a genuine historical or thematic structure or a genuine commemorative or investment value;
- (s) for an application for a category A or category B licence by a composite entity that carries on business in the ACT as a security organisation—
  - (i) a certified copy of the certificate of registration of business name issued in relation to it under the *Business Names Act 1963*, section 7; and
  - (ii) particulars of the core functions of the business carried on by the entity; and
  - (iii) particulars of why the entity needs to possess firearms and the number and type of firearms required; and
  - (iv) the name, title and business address of the person nominated by the entity to hold the licence; and

- (v) the name and position of any employee of the entity who will be required to use or possess a firearm during the course of his or her employment;
- (t) for the firearm that is the subject of the application for an heirlooms licence—
  - (i) the age of the firearm; and
  - (ii) the type of firearm; and
  - (iii) how the firearm came into the possession of the family; and
  - (iv) the length of time that the firearm has been in the possession of the family.
- (2) For subsection (1) (h) (i) (A)—
  - (a) the prescribed value of money or valuables is \$30 000; and
  - (b) the prescribed frequency is once per month.
- (3) For subsection (1) (p) and (q) the following people are prescribed:
  - (a) an officer of, or volunteer working for, the Royal Society for the Prevention of Cruelty to Animals;
  - (b) a veterinary surgeon;
  - (c) a person employed by or within an administrative unit with responsibilities for animal welfare;
  - (d) a drover or a person who, because he or she transports, handles or otherwise deals with animals, may be required to destroy an animal.

## **7 Government agencies—vertebrate pest animal control**

For the Act, table 23, item 3, the Department of Urban Services is prescribed.

**8 Category C licences—restrictions on issue**

For the Act, section 25 (b), evidence of the size of a person's property, the number of properties involved, the size and potential threat presented by any particular feral animal or vertebrate pest animal and the proximity of any relevant property to a residential area are prescribed in relation to a person who is a grazier or farmer and whose genuine reason is primary production.

**8A Authorised possession or use of prohibited pistols for sport or target shooting—Act, sch 2, item 5, col 4**

- (1) The holder of a category H licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited pistol of more than 9.65mm calibre, but not more than 11.43mm calibre, for the purposes of—

(a) taking part in any of the following kinds of pistol shooting competitions:

- (i) an approved competition that involves the pistol target shooting discipline known as Metallic Silhouette;
- (ii) an approved competition that involves the pistol target shooting discipline known as Single Action; and

(b) practicing on an approved shooting range for such a competition.

*Note* This subsection applies to a pistol of more than 0.38 inch calibre but not more than 0.45 inch calibre.

- (2) The holder of a category H licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited pistol that has a barrel length of less than 120mm for the purposes of—

(a) taking part in an approved specialised target shooting competition; and

(b) practicing on an approved shooting range for such a competition.

(3) In this section:

*approved*, for a competition, means a competition that is conducted or organised by an approved shooting club and approved by the registrar.

## **9 Rendering firearm incapable of being fired**

For the Act, section 37 (a), the prescribed manner of rendering a firearm (other than a category C or category D firearm) incapable of being fired is to render it temporarily inoperable—

- (a) by the removal and separate secure storage of the bolt or the firing pin; or
- (b) if removal and storage in accordance with paragraph (a) is not practicable—by the use of an appropriate trigger lock.

## **10 Terms of licences**

For the Act, section 38, the period of 2 years is prescribed in relation to a licence for any category of firearm if the genuine reason for possessing or using the firearm is 1 of the following:

- (a) vertebrate pest animal control;
- (b) business or employment;
- (c) occupational requirements relating to rural purposes;
- (d) animal welfare;
- (e) composite entity.

## **10A Temporary recognition of interstate licences**

- (1) The following purpose is prescribed for the Act, section 43 (1) (a) (ii), namely, to conduct an airgun shooting gallery—

- (a) at the National Exhibition Centre during the period decided by the Royal National Capital Agricultural Society for the holding of the Royal Canberra Show; or
  - (b) during the period decided by ACT Festivals Incorporated for the holding of the Canberra National Multicultural Festival.
- (2) For the Act, section 43 (2) and (3) (b), the prescribed conditions for the possession or use of a firearm are—
- (a) that the person complies with the provisions of the Act, part 5, and any requirements prescribed for that part, applying to a firearm of a kind to which the corresponding category A, category B, category C or category H licence issued in the ACT applies; and
  - (b) that the person must not permit any other person to possess or use any firearm in his or her possession if that other person is not authorised to possess or use the firearm.
- (3) For the Act, section 43 (3) (b), the prescribed requirements are that—
- (a) the person—
    - (i) on 15 November 1996—
      - (A) possessed a semiautomatic or pump-action shotgun for use in clay target competition; and
      - (B) was a member of a club affiliated with the Australian Clay Target Association; and
    - (ii) is a member of a club affiliated with the Australian Clay Target Association; or
  - (b) the person's application for a licence in the State or Territory that issued the licence was supported by a written statement from an officer of a club affiliated with the Australian Clay Target Association, that satisfied the person holding or performing the duties of the office in that State or Territory



that corresponds to the registrar, that the applicant is physically unable to compete in clay target competition unless the applicant uses a semiautomatic or pump-action shotgun.

## **Division 2.2                    Conditions of licences**

### **11                    Category A, category B, category C or category H**

For the Act, section 36 (3), it is a condition of a category A, category B, category C and category H licence if the genuine reason for possessing or using the firearm is sport or target shooting, recreational hunting or vermin control that the licensee ensure that, within 30 days of the end of each calendar year, the registrar is provided with written evidence from an approved club that satisfies the registrar that the licensee is a financial member and an active member of the club.

### **12                    Category H licences for business**

- (1) For the Act, section 36 (3), the following conditions are prescribed in relation to a category H licence if the genuine reason is business:
  - (a) the licensee must pass an examination in the safe handling and use of a category H firearm conducted by an authorised instructor at least once in every 12 month period for which the licence is in force;
  - (b) the licensee must, within 7 days after the end of the prescribed period, give the registrar a written report containing particulars of the occasions when the firearm was carried in connection with the business within the prescribed period;
  - (c) the licensee must not possess more than 1 category H firearm.
- (2) For subsection (1) (b), the period of 6 months beginning on the day when the licence is issued and each successive period of 6 months are prescribed.

### **13 Category H licences for employment**

For the Act, section 36 (3), the following conditions are prescribed in relation to a category H licence if the genuine reason is employment:

- (a) the licensee must pass an examination in the safe handling and use of a category H firearm conducted by an authorised instructor at least once in every 12 month period for which the licence is in force;
- (b) a licensee must not undertake an examination mentioned in paragraph (a) that the licensee has failed 3 times;
- (c) a licensee who has failed an examination mentioned in paragraph (a) must pass that examination within 14 days after the day the first failure happened.

### **14 Composite entity licences**

For the Act, section 36 (3), the prescribed condition in relation to a composite entity licence is that the licensee must notify the registrar that a person who was an employee required to use or possess a firearm during the course of his or her employment with the composite entity has ceased to be so employed within 14 days after the day the employment ceases.

### **15 Firearms dealer licences**

- (1) For the Act, section 36 (3), the condition prescribed in relation to a firearms dealer licence is that the licensee must not operate as a firearms dealer at premises other than the premises specified in the licence unless the registrar has approved a written application from the licensee to do so or unless otherwise authorised.
- (2) The registrar must assess an application mentioned in subsection (1) as if it were an application for a firearms dealer licence and may refuse to approve the application accordingly.

**16 Club armourers**

For the Act, section 36 (3), the following conditions are prescribed in relation to a firearms dealer licence if the licensee has been issued the licence for the purpose of being a club armourer:

- (a) the licensee must only buy, sell or transfer firearms or firearm parts from or to people—
  - (i) who are members of the approved club of which the licensee is the armourer; or
  - (ii) who are members of an approved club that is visiting that club;
- (b) the licensee must not make a profit from a transaction mentioned in paragraph (a).

**17 Collectors licences**

For the Act, section 36 (3), the following conditions are prescribed in relation to a collectors licence:

- (a) a licensee must not display any part of the collection without a permit to do so;
- (b) a licensee must not dispose of a firearm other than a category C or category D firearm to a person other than a licensed firearms dealer or licensed collector.

**18 Heirlooms licences**

(1) For the Act, section 36 (3), the following conditions are prescribed in relation to an heirlooms licence:

- (a) a licensee must not possess ammunition for an heirloom held under the licence unless authorised to do so by the registrar;
- (b) a licensee must not display an heirloom without a permit to do so.

- (2) The registrar may authorise a person holding an heirlooms licence to possess ammunition for the heirloom and may specify the amount of ammunition that the licensee is authorised to possess.

## **Division 2.3 Firearms dealer licences**

### **19 Restrictions on issue**

- (1) The registrar must refuse to issue a firearms dealer licence to an applicant unless satisfied that—
- (a) the applicant is carrying on, or intends to carry on, the business of a firearms dealer at the relevant premises specified in the application; and
  - (b) those premises are suitable for carrying on the business of a firearms dealer.
- (2) In considering whether premises are suitable for subsection (1) (b), the registrar must have regard to the following considerations:
- (a) the nature of the activities conducted, or proposed to be conducted, on the premises;
  - (b) the types of firearms to which the licence relates;
  - (c) whether adequate provision has been made for the safekeeping of firearms by means of safes, strongrooms or some other method;
  - (d) the security of the premises against unauthorised entry;
  - (e) for a licence that authorises the testing of firearms on the premises—whether an efficient bullet recovery box or bullet stop is provided on the premises.

## **20 Recording transactions**

For the Act, section 68 (2) (e), the following particulars are prescribed:

- (a) for each firearm that is the subject of a transaction—
  - (i) the manufacturer; and
  - (ii) the model; and
  - (iii) a description of the firing action; and
  - (iv) the calibre; and
  - (v) the serial number;
- (b) the date of birth of the other person;
- (c) if the other person is authorised to possess the firearm or part by a licence issued in a State or another Territory—the type of licence and the name of the issuing jurisdiction;
- (d) if the dealer receives a firearm or part for modification or repair—a description of the modification or repair requested and provided;
- (e) for the sale or transfer of a firearm that was manufactured by the dealer—the date of completion of manufacture.

## **21 Additional requirements for licensed firearms dealers**

- (1) A licensed firearms dealer who has, or acquires, possession of a firearm that is not separately and clearly numbered must immediately notify the registrar in writing that the dealer possesses the firearm or spare barrel.

Maximum penalty: 10 penalty units.

- (2) If the registrar serves notice on a licensed firearms dealer, the licensee must produce for inspection by a police officer in

accordance with the notice any firearm to which the licence relates (other than a category A or category B firearm).

Maximum penalty: 10 penalty units.

- (3) A licensed firearms dealer must state or display his or her licence number in any advertisement by or on behalf of the dealer for the dealer's firearms business.

Maximum penalty: 10 penalty units.

- (4) If a sale is made through a licensed firearms dealer, the dealer must make a record as if the dealer had sold the firearm.

Maximum penalty: 10 penalty units.

## Part 3 Permits

### 22 Theatrical and other productions

- (1) The registrar may authorise the possession or use of a firearm by permit if—
  - (a) a theatrical or dramatic production or an historical re-enactment in which a firearm is used is being staged by a theatrical, dramatic or historical society; and
  - (b) the person to whom the permit is to be issued is a performer in, or a member of the society staging, the production or re-enactment; and
  - (c) the person possesses the firearm for the purposes of the production or re-enactment; and
  - (d) the firearm is—
    - (i) lent or let on hire for the purpose of the production or re-enactment by a person on whose licence the firearm is registered; or
    - (ii) registered or endorsed on the licence of a person mentioned in paragraph (b); or
    - (iii) lent or let on hire by a person who is ordinarily resident in a State or another Territory who is legally in possession of the firearm under the law of that State or Territory.
- (2) A permit issued in accordance with subsection (1) does not authorise the use of ammunition other than blank ammunition in the relevant firearm.
- (3) If the registrar issues a permit because of subsection (1), the registrar must ensure that the purpose for which the permit is issued is endorsed on it.

**24 Authorisation of possession and use of tranquilliser firearms**

- (1) The registrar may authorise the possession and use of a tranquilliser firearm by permit if satisfied that the possession and use is a necessary part of the occupation of the applicant.
- (2) A permit to possess and use a tranquilliser firearm authorises the person named in it to use the firearm only in the ordinary course of the person's occupation.
- (3) A permit to possess and use a tranquilliser firearm may authorise people other than the applicant to possess and use a tranquilliser firearm and, if it does so, each authorised person must be specified in the permit.
- (4) In subsection (1):  
*tranquilliser firearm* means a firearm designed for use in tranquillising, immobilising or administering vaccines or medication to an animal.

**25 Acquisition, possession and use of powerheads**

- (1) The registrar may issue a permit for the acquisition, possession or use of a device commonly known as a powerhead if satisfied that the applicant's acquisition, possession or use of the device will be for an occupational purpose or for a marine recreational purpose.
- (2) A permit to acquire, possess or use a device commonly known as a powerhead may authorise people other than the applicant to acquire, possess or use the device and, if it does so, each authorised person must be specified in the permit.

**26 Arms fairs**

- (1) The registrar may, by permit, authorise the use by a licensed firearms dealer of specified premises for the purposes of an arms fair if satisfied that the premises are suitable for the purpose.



- (2) In considering whether premises are suitable for subsection (1), the registrar must have regard to the considerations specified in section 19 (2).
- (3) A permit under subsection (1)—
  - (a) must specify the time during which the arms dealer is authorised to hold the arms fair; and
  - (b) authorises any person exhibiting on the premises during the fair to deal with the firearms exhibited in accordance with the firearms dealer licence of the permit-holder.
- (4) In this section:

*arms fair* means a fair where firearms and related items are exhibited and dealt with in accordance with the firearms dealer licence of the permit-holder.

## **27 Acquisition and possession of war souvenirs**

For the Act, section 45 (f), the registrar may, by permit, authorise the acquisition and possession by an applicant of an inoperable firearm if satisfied that the firearm is a souvenir of a war theatre with which the applicant has, or a relative of the applicant has or had, a real connection.

## **28 Prescribed offences**

For the Act, section 46 (3) (a), a prescribed offence is an indictable offence involving actual or threatened violence or the use of a firearm.

## **29 Applications for permits**

- (1) For the Act, section 47 (1), the prescribed manner of making an application is—
  - (a) for a permit under the Act, section 45A—by lodging it at the Firearms Registry in accordance with subsection (2); or

- (b) for any other permit—by lodging it personally at the Firearms Registry.
- (2) An application for a permit under the Act, section 45A must—
- (a) be lodged at the Firearms Registry—
    - (i) not less than 30 days before the applicant's arrival in the ACT; or
    - (ii) within any shorter period that the registrar allows, if the registrar is satisfied that exceptional circumstances prevent, or have prevented, compliance with subparagraph (i); and
  - (b) include the following information:
    - (i) the applicant's name, date of birth and residential address in the country where the applicant resides;
    - (ii) the applicant's passport number, country of issue and date of expiry;
    - (iii) the number of the applicant's visa (if any) and its date of expiry;
    - (iv) the number of the applicant's firearms licence (if any), its country of issue and date of expiry;
    - (v) if the applicant is not the holder of a firearms licence—a certificate signed by the authority responsible for authorising possession or use of firearms in the applicant's country of residence to the effect that the applicant is lawfully entitled to possess or use in that country the type of firearm for which the permit is sought;
    - (vi) the make, model, calibre, action and serial number of the firearm for which the permit is sought;

- (vii) if the applicant intends to import more than 1 firearm into Australia—details of the special need for the additional firearm;
- (viii) the purpose for which the permit is required;
- (ix) if the applicant intends to participate in a shooting competition in Australia—the date and location of the competition;
- (x) the intended period of the applicant’s stay in Australia;
- (xi) whether or not the applicant, in the ACT, a State, another Territory or another country—
  - (A) has, within the period of 10 years before the application for the permit is made, been convicted of an offence prescribed for the Act, section 46 (3) (a), whether or not the offence is an offence under a territory law; or
  - (B) is, or has been at any time within the 10 years before the application for the permit is made, subject to an order or other restriction having the same or substantially the same effect as a domestic violence order under the *Domestic Violence and Protection Orders Act 2001* (other than an order or other restriction which has been revoked); or

**Example of order**

a protection order under the *Domestic Violence Act 1986* (repealed)

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (C) is subject to a recognisance to keep the peace or to a requirement having the same or substantially the same effect; or

- (D) is subject to an order or other restriction having the same or substantially the same effect as a firearms protection order; and
- (c) include the following documents:
  - (i) a copy of the applicant's passport that shows the information required under paragraph (b) (ii);
  - (ii) 2 passport-size portrait photographs of the applicant;
  - (iii) 3 samples of the applicant's signature.
- (3) For the Act, section 46 (6), the registrar may refuse to issue a permit if the registrar is not satisfied about the identity of the applicant.
- (4) This subsection, and the example and note to subsection (2) (b) (xi) (B), expire on 27 March 2012.

### **29A International visitors—form of temporary permits**

For the Act, section 47 (2), a permit issued under the Act, section 45A must include—

- (a) the permit-holder's name and residential address; and
- (b) the purpose for which the firearm may be possessed or used; and
- (c) the category of licence that would be required to possess or use the firearm in the ACT; and
- (d) the make, model, calibre and serial number of the firearm for which the permit is issued; and
- (e) the conditions to which the permit is subject; and
- (f) the permit's expiry date; and
- (g) the name and telephone number of the issuing authority; and
- (h) a recent photograph of the permit-holder.

**30 Photograph on permits**

- (1) Subject to subsection (2), a permit must, unless otherwise decided by the registrar, contain a recent photograph of the permit-holder (such photograph being obtained in accordance with arrangements decided by the registrar).
- (2) This section does not apply to a permit issued under the Act, section 45A.

**30A International visitors—conditions of permits or authorisations**

- (1) For the Act, section 47 (3) (a), the following are the conditions of a permit issued under the Act, section 45A:
  - (a) that the person possess or use a firearm only for the purpose stated in the permit;
  - (b) that the person comply with the provisions of the Act, part 5, and any requirements prescribed for that part, that apply to a firearm of a kind to which the corresponding category A, category B, category C or category H licence issued in the ACT applies;
  - (c) that the person not permit any other person to possess or use any firearm in his or her possession if that other person is not authorised to possess or use the firearm;
  - (d) that the person carry the permit when the person is in possession of or using the firearm to which the permit relates and produces the permit to a police officer on request.
- (2) For the Act, section 49A (2) (b), the prescribed conditions are the conditions specified in subsections (1) (a) to (d).

**31 Minors firearms**

For the Act, section 49 (2) (a), 12 years old is prescribed.

## Part 4 Clubs

### 31A Meaning of *target pistol shooter* for pt 4

In this part:

*target pistol shooter*, for an approved shooting club, means—

- (a) a person who is a member of the club and the holder of a category H licence issued for the genuine reason of sport or target shooting; or
- (b) a person who has applied for membership of the club and the person's membership will involve the use of a pistol for sport or target shooting.

### 31B Conditions of approval of shooting clubs—Act, s 15 (5)

- (1) The approval of a shooting club is subject to the following conditions:
  - (a) the club may admit a target pistol shooter as a member only if—
    - (i) the person provides a statement supplied by a police officer about the person's criminal history (if any); and
    - (ii) the person provides 2 character references from people who are at least 18 years old and who have known the person for at least 2 years; and
    - (iii) the secretary or other relevant office-holder of the club is satisfied that the person has provided—
      - (A) the name of any other approved shooting club of which the person is a member; and
      - (B) a statement of the pistols owned by the person;

- (b) if a target pistol shooter leaves the club or does not renew the person's membership, the secretary or other relevant office-holder of the club must, within 14 days after the day the membership change happens, give the registrar, in writing, the full name and residential address of the person and the date the membership change happened;
  - (c) the secretary or other relevant office-holder of the club must, within 14 days after the day the club is told of a change in the name or residential address of a target pistol shooter, give the registrar, in writing, details of the change;
  - (d) if the club decides to suspend or cancel the membership of a target pistol shooter, the secretary or other relevant office-holder must, within 7 days after the day the decision is made, tell the registrar in writing that the person's membership has been suspended or cancelled and the reasons for the suspension or cancellation;
  - (e) the secretary or other relevant office-holder of the club must, as soon as practicable after each 1 July, give the registrar a return for the previous financial year that states—
    - (i) the full name and residential address of club members who are target pistol shooters (*relevant members*) as at the date of the return; and
    - (ii) the number and kind of activities mentioned in section 4A each relevant member took part in during the period to which the return relates; and
    - (iii) the pistols known by the club, or the secretary or other relevant office-holder, to be owned by each relevant member during the period to which the return relates;
- Note* If a form is approved under the Act, s 125A for a return, the form must be used.
- (f) if the secretary or other relevant officer-holder of the club is of the belief that a club member who is a target pistol shooter, or

an applicant for membership who is a target pistol shooter, may pose a threat to public safety or a threat to the person's own safety if in possession of a pistol, the secretary or office-holder must tell the registrar about the belief;

- (g) the club must ensure that a person whose category H licence has been suspended or cancelled does not use a pistol on any approved shooting range owned or used by the club.
- (2) A civil or criminal proceeding does not lie against the club or the secretary or other relevant office-holder of the club in relation to loss, damage or injury of any kind to anyone because of the honest disclosure of something to the registrar under subsection (1).

*Note* The *Civil Law (Wrongs) Act 2002*, s 127 provides a defence of truth and public benefit to civil defamation actions.

### **31C Shooting clubs—power to request information from registrar about target pistol shooters**

- (1) The secretary or other relevant office-holder of an approved shooting club may ask the registrar, in relation to an application for membership of the club by a target pistol shooter, to disclose to the secretary or other relevant office-holder of the club information about any of the following known to the registrar:

- (a) the pistols that are owned by the person;
- (b) any other approved club, or approved club (however described) in a State, of which the person is a member;

*Note* **State** includes the Northern Territory, see the Legislation Act, dict, pt 1.

- (c) any other approved club, or approved club (however described) in a State, of which the person has been refused membership, or had their membership suspended or cancelled, in the 5-year period before the making of the application;



- (d) any category H licence issued to the person that has been cancelled in the 5-year period before the making of the application;
  - (e) any application for a category H licence by the person that has been refused by the registrar in the 5-year period before the application.
- (2) The secretary or other relevant office-holder of an approved shooting club may also ask the registrar, in relation to an application for membership of the club by a target pistol shooter, to disclose to the secretary or other relevant office-holder of the club the person's criminal history (if any) that is, in the registrar's opinion, relevant to the issue of a category H licence.
  - (3) The registrar is authorised to disclose the information mentioned in subsection (1) or (2) to the secretary or other relevant office-holder of the club.

**31D Target pistol shooters to notify club of change of name or address**

A target pistol shooter commits an offence if—

- (a) the person is a member of an approved shooting club; and
- (b) the person's name or residential address changes; and

- (c) the person does not tell the secretary or other relevant office-holder of the club, in writing, of the change within 14 days after the day the change happens.

Maximum penalty: 10 penalty units.

**31E Conditions of approval of collectors clubs—Act, s 15 (5)**

- (1) The approval of a collectors club is subject to the following conditions:
  - (a) if the club decides to suspend or cancel the membership of a member who collects pistols, the secretary or other relevant office-holder must, within 7 days after the day the decision is made, tell the registrar that the person's membership has been suspended or cancelled and the reasons for the suspension or cancellation;
  - (b) if the secretary or other relevant officer-holder of the club is of the belief that a club member who collects pistols, or an applicant for membership who collects pistols, is not a fit and proper person to be in possession of a pistol, the secretary or office-holder must tell the registrar about the belief.
- (2) A civil or criminal proceeding does not lie against the club or the secretary or other relevant office-holder of the club in relation to loss, damage or injury of any kind to anyone because of the honest disclosure of something to the registrar under subsection (1).

*Note* The *Civil Law (Wrongs) Act 2002*, s 127 provides a defence of truth and public benefit to civil defamation actions.

## Part 5 Registration

### 32 Register of firearms

The following information is required to be included in the register in relation to each registered firearm:

- (a) the name, address, date of birth and sex of the person in whose name the firearm is registered;
- (b) particulars of the grant of the licence or permit for the firearm and of any renewal, suspension, cancellation or surrender of that licence or permit;
- (c) the identifying number of any spare barrel for the firearm if the barrel and the firearm are of a different calibre;
- (d) the State or Territory that licensed or authorised the person in whose name the firearm is registered;
- (e) the date when the person in whose name the firearm is or was registered acquired it and disposed of it and the name and address of the person from whom it was acquired.

### 33 Registration of firearms

A change in particulars relating to the person in whose name a firearm is registered must be recorded in writing or as otherwise approved by the registrar.

### 34 Unregistered firearms

For the Act, section 53 (2), the period of 7 days is prescribed.

**35 Requirements relating to registered firearms**

- (1) Particulars of the sale, loss or theft of a firearm to be provided to the registrar must be in writing and include the following:
  - (a) for a firearm that has been sold—the date of the sale and the name and licence details of the licensed firearms dealer or other person to whom the firearm was sold;
  - (b) in any other case—the date of the loss or theft, the circumstances of the loss or theft and particulars relating to the identification of the firearm.
- (2) For the Act, section 54 (2), the following particulars are prescribed:
  - (a) either—
    - (i) the make and serial number of the firearm acquired; or
    - (ii) the identifying number allotted to the firearm by the registrar;
  - (b) the identifying number of any spare barrel for the firearm;
  - (c) the number of the licence or permit authorising the person who acquired the firearm to possess it;
  - (d) the number of the person's permit to acquire the firearm;
  - (e) the name and address of the person from whom the firearm was acquired;
  - (f) the date of acquisition.

## **Part 6**                      **Safekeeping of firearms**

### **Division 6.1**                **Security and safe storage**

#### **36**                      **Category A and category B licences**

For the Act, section 63 (1) (c), the prescribed requirement in relation to the security and safe storage of a category A or category B firearm is that the firing mechanism of the firearm must be removed and stored separately from the firearm if at all possible.

#### **37**                      **Category C, category D and category H licences**

- (1) For the Act, section 64 (1) (c), the installation of an intruder alarm is prescribed in relation to the security and safe storage of a category D firearm by a person holding a category D licence.
- (2) An intruder alarm mentioned in subsection (1) must—
  - (a) include—
    - (i) a space movement detector that uses a microwave, passive infra-red, ultrasonic or similar system of detection; and
    - (ii) an external noisemaker that sounds when the alarm is activated; and
  - (b) be connected to the mains power with a battery backup in case of power failure.

#### **38**                      **Collectors of firearms—category A and category B firearms**

- (1) A person who holds a collectors licence must ensure that the category A and category B firearms specified in the licence are kept in accordance with this section.

- (2) If not more than 10 category A or category B firearms are specified in the licence—
- (a) the firearms must be kept in a metal lockable container (being a ‘Brownbuilt’ or similar type) and the firing mechanisms must be kept in a separate lockable metal drawer or container that may be external or internal to the metal lockable container; or
  - (b) the firearms must be kept in a security container that is constructed of a recognised hardwood and lined with steel sheeting, the door of which is fitted with metal hinges and either—
    - (i) an appropriate deadlock; or
    - (ii) 2 sliding bolts fitted with padlocks of an appropriate strength.
- (3) If a container mentioned in subsection (2) (other than a container for firing mechanisms) weighs less than 150kg when empty, it must be fixed to the floor or wall with no fewer than 2 appropriate anchor bolts.
- (4) If more than 10 category A or category B firearms are specified in the licence, the firearms must be stored in a metal safe or a concrete or brick safe of a type described in section 39 (3).

**39 Collectors of firearms—category C, category D and category H firearms**

- (1) A person who holds a collectors licence must ensure that the category C, category D and category H firearms specified in the licence are kept in accordance with this section.
- (2) The firearms must be kept in a metal safe or a concrete or brick safe.
- (3) A safe mentioned in subsection (2) must—
- (a) for a metal safe—

- (i) be constructed of structural grade mild steel that conforms with Australian Standard 3678:1996 grade 250 and is not less than 3mm thick; and
  - (ii) be constructed with continuous welding of all edges; and
- (b) in any other case—be constructed of reinforced concrete, double brick or reinforced besser blocks that are not less than 140mm thick; and
- (c) be fitted with a door—
  - (i) constructed of structural grade mild steel that conforms with Australian Standard 3678:1996 grade 250 and is not less than 3mm thick and that is swung on either—
    - (A) concealed pivots; or
    - (B) externally mounted sealed end hinges welded to the door and body of the container; and
  - (ii) that is flush fitting with a clearance around it of no more than 1mm; and
- (d) if the door is hinged—have a fixed locking bar or dogging bolts welded to the inside face of the door near the hinge edge that engages or engage in a rebate in the container body when the door is closed; and
- (e) be fitted with a 5-lever key deadlock or a locking mechanism that provides at least equivalent security; and
- (f) be constructed with a full length steel rebate welded to the side of the container body, the locking edge of which will receive the deadlock of the locking mechanism.

- (4) A metal safe mentioned in subsection (2) must be mounted on a wall or on the floor as follows:
- (a) if mounted on brick—the safe must be attached by at least 2 Loxin anchor-type high-tensile bolts with a diameter of 52mm x 16mm and a 10mm thread;
  - (b) if mounted on concrete or stone—the safe must be attached by at least 2 Dyna-type bolts and expanding anchors with a diameter of 70mm x 12mm and a 10mm thread that are internally fitted through holes in the rear or bottom of the container that conform with the manufacturer's specifications;
  - (c) if mounted on wall studs or floor joists—
    - (i) it must be attached flush against the timber or plaster surfaces by 2 steel hexagonal-head coach screws that are not less than 8mm in diameter x 50mm in length and are internally fitted through holes in the rear or bottom of the container that conform with the manufacturer's specifications; and
    - (ii) the container, timber floor or plaster wall surfaces must be recessed so there is no airspace between the surfaces and the container, with the rear bottom edge of the container being recessed into skirting board.
- (5) A locking mechanism mentioned in subsection (3) (e) must be securely fixed to the rear face of the door of the container by retaining screws and a metal strap overlapping, or enclosing, the locking case with each end welded to the rear door face.

#### **40 Firearms dealer licences**

- (1) A firearms dealer must ensure that any firearm in his or her possession is stored in accordance with this section.
- (2) A category A or category B firearm may be on permanent display if—



- (a) it is locked securely in a padlocked rack that is permanently attached to a wall; and
  - (b) it is securely attached to the rack by means of a stainless steel cable that—
    - (i) is not less than 3mm in diameter; and
    - (ii) passes through the trigger guard; and
    - (iii) is securely fixed at the end that is not attached to the rack by a padlock of an appropriate strength; and
  - (c) when business ceases for the day, a security grille metal shutter, the rods of which are not less than 5mm in diameter, is fixed to the rack with padlocks of appropriate strength at each end.
- (3) A category C or category H firearm must, unless being inspected by a customer, be securely locked in a metal safe or a concrete or brick safe of a type described in section 39 (3).
- (4) Any perimeter doors of premises on which any firearms are stored must be of solid construction, securely hinged in stout framework and fitted with a mortice or a deadlock.
- (5) Any perimeter window or skylight of premises where any firearms are stored must be fitted with a security grille.
- (6) The premises where any firearms are stored must be fitted with an intruder alarm—
- (a) that includes—
    - (i) a space movement detector that uses a microwave, passive infra-red, ultrasonic or similar system of detection; and
    - (ii) an external noisemaker that sounds when the alarm is activated; and

- (b) is connected to the mains power with a battery backup in case of power failure; and
- (c) for premises that include a shopfront—is monitored directly by a private security company.

## **Division 6.2 Displays**

### **41 Permanent displays**

- (1) A licensee must not display a firearm for a period greater than 30 days unless the display complies with the requirements specified in this section or section 43.
- (2) A firearm must not be displayed other than in a cabinet—
  - (a) that is lockable; and
  - (b) the parts of which that are not glass panelling are of solid timber or metal construction; and
  - (c) that contains no glass panelling other than glass panelling that is at least 7.5mm thick and is laminated.
- (3) A firearm must be securely fixed in the cabinet by means of a stainless steel cable that—
  - (a) is not less than 3mm in diameter; and
  - (b) is securely attached to the side or bottom of the cabinet; and
  - (c) passes through the trigger guard; and
  - (d) is fixed at the end that is not attached to the cabinet by a padlock of an appropriate strength.
- (4) If practicable, the bolt or firing mechanism must be removed from the firearm.
- (5) A firearm must not be displayed on premises if the licensee, the owner and any lawful occupier of the premises where the firearm is displayed will be absent from the premises for longer than 72 hours.

## **42 Temporary displays**

- (1) A licensee must not display a firearm for 30 days or less unless the display complies with the requirements specified in this section or section 43.
- (2) The firearm must be displayed on a solid wood or metal bench.
- (3) The firearm must be securely fixed to the bench by means of a stainless steel cable that—
  - (a) is not less than 3mm in diameter; and
  - (b) passes through the trigger guard of the firearm; and
  - (c) is fixed to the bench by a padlock of an appropriate strength.
- (4) If practicable, the bolt or firing mechanism must be removed from the firearm.
- (5) If fewer than 6 firearms are on display, a person with an appropriate licence for each category of firearm displayed must be present at all times when the firearms are displayed.
- (6) If more than 6 firearms are on display, 2 people, each of whom has an appropriate licence for each category of firearm displayed, must be present at all times when the firearms are displayed.

## **43 Wall displays**

- (1) A firearm must not be displayed on a wall except in accordance with this section.
- (2) The firearm must be permanently inoperable in accordance with the registrar's guidelines.
- (3) The firearm must be permanently fixed to a solid wood or metal frame by—
  - (a) welding; or

- (b) by the use of no fewer than 4 steel hexagonal-head bolts of not less than 8mm in diameter and 50mm in length, with the nut for each being spot welded to the bolt on the side adjacent to the wall.
- (4) The wood or metal frame mentioned in subsection (3) must be fixed to the wall as follows:
- (a) if mounted on brick—the frame must be attached by at least 2 Loxin anchor-type high-tensile bolts with a diameter of 52mm x 16mm and a 10mm thread;
  - (b) if mounted on concrete or stone—the frame must be attached by at least 2 Dyna-type bolts with a diameter of 70mm x 12mm and a 10mm thread and expanding anchors;
  - (c) if mounted on wall studs—it must be attached flush against the timber or plaster surfaces by 2 steel hexagonal-head coach screws that are not less than 8mm in diameter and 50mm in length.
- (5) The firearm must not be mounted less than—
- (a) 2m above ground level if mounted in a private residence; or
  - (b) 3m above ground level if mounted in other than a private residence.

## Part 7 Exemptions

### 44 Certain people

- (1) A police officer does not require authorisation under a licence or permit to be in possession of, or to use, a prohibited firearm mentioned in the Act, schedule 1, item 15 during the ordinary exercise of the police officer's functions as an inspector under the *Dangerous Substances Act 2004*.
- (2) An officer or employee of—
  - (a) Environment Australia; or
  - (b) ACT Parks and Conservation; or
  - (c) the Australian National University; or
  - (d) the University of Canberra;

does not require authorisation by licence or permit to be in possession of or to use a prohibited firearm mentioned in the Act, schedule 1, item 15 that is capable of propelling a bird net during the ordinary course of his or her duties as an officer or employee.

### 45 Australian Defence Industries Pty Ltd, officers and employees

- (1) The requirements of the Act do not apply to—
  - (a) Australian Defence Industries Pty Ltd; or
  - (b) an officer of Australian Defence Industries Pty Ltd acting in that capacity; or
  - (c) an employee of Australian Defence Industries Pty Ltd acting in that capacity;

while he, she or it complies with arrangements for the security and storage of firearms approved in writing by the registrar.

- (2) An approval under subsection (1) is not effective until notified to Australian Defence Industries Pty Ltd.

#### **46 Paint pellet guns**

- (1) The Minister may, in writing, authorise a body to operate a paint pellet range.
- (2) The Minister must not authorise a body under subsection (1) unless—
  - (a) its business name is registered under the *Business Names Act 1963*, section 7; and
  - (b) the registrar has notified the Minister in writing that the registrar is satisfied that the body would be a fit and proper person to hold a licence; and
  - (c) the Minister is satisfied that it is in the public interest to do so.
- (3) An authorisation under subsection (1) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.
- (4) An authorised body is exempt from the requirements of the Act relating to the manufacture, possession and use of a firearm that is a paint pellet gun in the appropriate circumstances specified in subsection (7).
- (5) An employee of an authorised body is exempt from the requirements of the Act, section 16, to the extent that that section prohibits the possession and use of a firearm that is a paint pellet gun, in the circumstances specified in subsection (8).
- (6) A person participating in a paint pellet game conducted by an authorised body is exempt from the requirements of the Act, section 16, to the extent that that section prohibits the possession

and use of a firearm that is a paint pellet gun, in the circumstances specified in subsection (9).

- (7) For subsection (4), the circumstances are—
- (a) in relation to manufacture, importation, acquisition or possession of a paint pellet gun—that the dealing would not result in the authorised body possessing more than the number of such firearms possession of which by the body has been approved in writing by the registrar; and
  - (b) in relation to possession and use of a paint pellet gun—
    - (i) that, when not in use, the firearm is stored securely in a way approved by the registrar; and
    - (ii) that the firearm bears, in a permanent form, an identification number of which the registrar has been notified; and
    - (iii) that the firearm is used on a paint pellet range; and
    - (iv) that no person under 18 years old is given possession of such a firearm; and
    - (v) that no person apparently under the influence of alcohol or drugs is given possession of such a firearm; and
    - (vi) the registrar is satisfied that any person who supervises or instructs persons in the use of such a firearm is suitably qualified; and
  - (c) in relation to sale, exportation or other disposition of a paint pellet gun—that any dealing with the firearm is approved in writing by the registrar.
- (8) For subsection (5), the circumstances are that the firearm is in the employee's possession in the course of employment with the authorised body, being employment related to the organisation or supervision of a paint pellet game.

- (9) For subsection (6), the circumstances are—
- (a) that the firearm is in the person's possession with the knowledge and approval of the authorised body; and
  - (b) that the person is participating, within the rules of the game, in a paint pellet game conducted by the body.
- (10) In this section:

*authorised body* means a body authorised under subsection (1).

*paint pellet gun* means a firearm capable of discharging by any means a paint or dye marking pellet.

*paint pellet range* means an area of land approved in writing by the Minister for the purpose of conducting paint pellet games.

#### **47 Lending for competition**

A person is exempt from the Act, section 36 (2) (b) if the person lends a firearm to a person who holds a licence (being a licence on which the firearm is not endorsed) for the purpose of enabling the person to whom the firearm is lent to take part or to continue to take part in competitions in, or activities relating to, the use of such firearms if the competition or activity is conducted by or in association with an approved shooting club on the premises of the club.



## Part 8                      Miscellaneous

### 48                      Dimensions of pistols

For the Act, section 4, definition of *pistol*, paragraph (b), the prescribed dimensions are—

- (a) in relation to a firearm that has no stock—a barrel that is 40cm in length; or
- (b) in any other case—an overall length of 70cm.

### 49                      Prescribed sporting organisations

For the Act, section 6A (d) (i) and (ii), the following sporting organisations are prescribed:

- (a) ACT Athletics Inc.;
- (b) ACT Cross Country Inc.;
- (c) The ACT Gun Dog Society Incorporated;
- (d) ACT Little Athletics Association Inc.;
- (e) ACT Veterans Athletics Club Inc.;
- (f) Canberra Yacht Club;
- (g) Yachting Association of NSW (ACT Zone committee).

### 50                      Approval of ranges

If the registrar approves a range in accordance with the Act, section 14 (2), the approval is valid for 2 years beginning on the date when the approval happens.

**51 Restrictions on sale and purchase of firearms**

For the Act, section 84 (1) (b), a sale is taken to have been arranged through a licensed firearms dealer if—

- (a) it is conducted at the firearms dealer's place of business; and
- (b) the dealer acts as an intermediary in the sale; and
- (c) the dealer is provided with the information that allows the dealer to keep a record of the transaction as if the dealer had had possession of the firearm and had sold it.

**52 Transporting prohibited firearms or pistols**

For the Act, section 90, the following safety requirements are prescribed:

- (a) the firearm must not be loaded;
- (b) the firearm must be—
  - (i) kept separate from any ammunition; and
  - (ii) transported in a secure way in the possession or control of a person on whose licence the firearm is specified.

**53 Shortening firearms**

For the Act, section 95, a firearm mentioned in the Act, section 100 (2) (a), (b) or (c) must only be taken to be shortened if it has the characteristics mentioned in the Act, section 100 (3).

**54 Identification of firearms**

- (1) The registrar may, by written notice served on a person who has possession of a firearm or a spare barrel of a different calibre from the firearm with which it is used, allot a number for the firearm or spare barrel.
- (2) A person must not have possession of a firearm, or a spare barrel of a different calibre from the firearm with which it is used, for which

a number has been allotted under subsection (1) unless that number is imprinted on the firearm or barrel.

Maximum penalty: 10 penalty units.

- (3) In subsection (2):

*imprinted* means—

- (a) for a firearm—stamped or, if the registrar approves, engraved in an exposed position on the firearm in numerals not less than 2mm in height on the metal part of the barrel; or
- (b) for a spare barrel—stamped or imprinted on the outer surface of the barrel in numerals not less than 2mm in height on the metal part of the barrel.

## **55 Government agencies—obligations**

- (1) If an employee of a government agency holds a licence or permit authorising possession or use of a firearm for the purposes of his or her employment with the agency the agency or, if the agency is not a corporation, the chief executive of the agency must ensure that—
  - (a) this section is complied with; and
  - (b) the employee complies with section 56 (2).
- (2) A firearm to which this section applies—
  - (a) must be secured in a way that reasonably prevents its removal other than by an employee authorised to possess it; and
  - (b) must not be in the possession of an employee who is not authorised to possess it.
- (3) The obligations in this section are in addition to any other obligation contained in this regulation.

**56 Government agencies—employee obligations**

- (1) An employee of a government agency who holds a licence or permit to possess a firearm for the purposes of his or her employment with the agency must ensure that he or she complies with this section.

Maximum penalty: 10 penalty units.

- (2) An employee to whom this section applies must undertake a course in firearms safety training approved by the registrar for this section at least once a year.
- (3) Unless otherwise authorised in writing by the registrar, an employee to whom this section applies must return the relevant firearm to the employer's store of firearms at the end of each period of duty by the employee.
- (4) The firearm, when in the possession of the employee and not in use, must be carried in a holster worn by the employee.
- (5) A holster mentioned in subsection (4)—
- (a) must be of a shape and size suitable for the shape and size of the firearm; and
  - (b) when worn in conjunction with a belt, must be securely attached to the belt; and
  - (c) if concealed by clothing—may be of a type approved by the registrar that allows free access to the firearm; and
  - (d) if not concealed by clothing, must—
    - (i) have a thumb-break safety strap, the trigger must not be exposed and it must be of a type approved by the registrar; or
    - (ii) have a complete covering flap that conceals the firearm from view.

- (6) The registrar must not authorise an employee to possess a firearm when not on duty unless satisfied that the firearm will be stored in accordance with the Act.
- (7) A written authorisation for an employee to possess a firearm when not on duty is subject to the following conditions:
  - (a) when being transported to and from the place of employment the firearm must be carried by the employee;
  - (b) when the employee is not on duty the firearm must be stored at the employee's place of residence;
  - (c) the employee must comply with the requirements of the Act, part 5 in relation to the firearm.

## **57 Registers maintained by employers**

- (1) If a person employs employees who are authorised by licence or permit to possess a firearm for the purpose of that employment, the person must establish and maintain in a form approved by the registrar—
  - (a) a register that contains—
    - (i) in relation to each relevant firearm particulars of its acquisition, servicing and disposal (if any); and
    - (ii) particulars of the acquisition and disposal of ammunition by the employer; and
  - (b) a register of names of each relevant employee and the period for which the employee has or had possession of a relevant firearm.
- (2) Each register mentioned in subsection (1) must be maintained in the following way:
  - (a) it must have not less than 100 pages, each of which has a machine-printed heading and machine-printed consecutive number;

- (b) the pages must be bound in a way that prevents their easy removal;
  - (c) each entry is to be made in black or blue ink;
  - (d) any alteration must be made by interlineation or striking out, not by erasure;
  - (e) no page must be removed.
- (3) An employer must—
- (a) ensure that each register is kept in a safe place (other than with any firearm to which it relates) at the place of employment; and
  - (b) keep each register for not less than 3 years after the date of the last entry in the register; and
  - (c) ensure that the relevant entry is made in the relevant register—
    - (i) within 24 hours after the acquisition, servicing or disposal of a firearm; and
    - (ii) at the time when a firearm or some ammunition is transferred from the employer to an employee and when it is returned to the employer.
- (4) An employer must comply with the requirements of this section.  
Maximum penalty: 10 penalty units.
- (5) In this section, a reference to an *employer* includes a reference to a government agency or, in relation to a government agency that is not a corporation, the chief executive of the agency.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This regulation was originally the *Firearms Regulations*. It was renamed by the *Statute Law Amendment Act 2001* SL2001-11, amdt 3.126 and under the *Legislation Act 2001*.

#### **Firearms Regulation 1997 No 13 (as am by Statute Law Amendment Act 2002 No 30 amdt 3.372)**

notified 19 May 1997 (Gaz 1997 No S137)

commenced 19 May 1997 (s 2 and see Act 2002 No 30 amdt 3.372)

as amended by

#### **Firearms Regulations (Amendment) 1998 No 5**

notified 18 February 1998 (Gaz 1998 No S74)

commenced 18 February 1998 (s 1)

#### **Firearms Regulations (Amendment) 1999 No 1**

notified 24 February 1999 (Gaz 1999 No S9)

commenced 24 February 1999 (s 1)

#### **Firearms Regulations (Amendment) 1999 No 17**

notified 15 September 1999 (Gaz 1999 No 37)

commenced 1 October 1999 (s 1 and see Gaz 1999 No 37)

#### **Statute Law Amendment Act 2001 No 11 sch 3**

notified 29 March 2001 (Gaz 2001 No 13)

commenced 29 March 2001 (s 2)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 149**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 149 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2002 No 30 amdt 3.372**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

amdt 3.372 taken to have commenced 19 May 1997 (s 2 (2))



**Firearms (Prohibited Pistols) Amendment Act 2003 A2003-31 pt 3**

notified LR 30 June 2003  
 s 1, s 2 commenced 30 June 2003 (LA s 75 (1))  
 pt 3 commenced 1 July 2003 (s 2)

**Firearms (Compensation) Regulations 2003 SL2003-28 pt 3**

notified LR 28 August 2003  
 s 1, s 2 commenced 28 August 2003 (LA s 75 (1))  
 pt 3 commenced 29 August 2003 (s 2)

**Rates Act 2004 A2004-3 sch 1 pt 1.1**

notified LR 18 February 2004  
 s 1, s 2 commenced 18 February 2004 (LA s 75 (1))  
 sch 1 pt 1.1 commenced 1 July 2004 (s 2)

**Dangerous Substances Act 2004 A2004-7 sch 1 pt 1.3**

notified LR 19 March 2004  
 s 1, s 2 commenced 19 March 2004 (LA s 75 (1))  
 sch 1 pt 1.3 commenced 5 April 2004 (s 2 and see CN2004-6)

**Domestic Violence and Protection Orders Amendment Act 2005 A2005-13 sch 1 pt 1.10**

notified LR 24 March 2005  
 s 1, s 2 commenced 24 March 2005 (LA s 75 (1))  
 sch 1 pt 1.10 commenced 25 March 2005 (s 2)

**4 Amendment history****Name of regulation**

s 1 sub Act 2001 No 11 amdt 3.126  
 am R9 LA

**Interpretation**

s 2 orig s 2 om Act 2001 No 11 amdt 3.127  
 (prev s 3) am Act 2001 No 44 amdt 1.1700  
 renum A2003-31 s 26  
 def **Act** om Act 2001 No 44 amdt 1.1701  
 def **target pistol shooter** ins A2003-31 s 25

**Notes**

s 3 orig s 3 renum as s 2  
 ins A2003-31 s 27

**Offences against regulation—application of Criminal Code etc**

s 3A ins A2003-31 s 27

## Endnotes

### 4 Amendment history

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#### **Not firearms—Act, s 4, def *firearm***

s 4 hdg sub SL2003-28 s 16  
s 4 am 1999 No 17 sch; Act 2001 No 11 amdt 3.128; A2003-31  
s 28; SL2003-28 s 16, s 17

#### **General provisions**

div 2.1 hdg (prev pt 2 div 1 hdg) renum R3 LA

#### **Minimum participation rates for members of approved clubs—Act, s 4, def *active*, par (a)**

s 4A ins A2003-31 s 29; table renum R7 LA

#### **Category C licences**

s 5 am A2003-31 s 30

#### **Applications for licences—particulars and documents**

s 6 am A2003-31 s 31; A2004-3 amdt 1.1; pars renum R9 LA

#### **Authorised possession or use of prohibited pistols for sport or target shooting—Act, sch 2, item 5, col 4**

s 8A ins A2003-31 s 32

#### **Temporary recognition of interstate licences**

s 10A ins 1998 No 5 s 2  
sub 1999 No 1 s 3  
om R1 LRA  
ins 1999 No 17 s 3

#### **Conditions of licences**

div 2.2 hdg (prev pt 2 div 2 hdg) renum R3 LA

#### **Category A, category B, category C or category H**

s 11 am 1999 No 17 sch

#### **Firearms dealers licences**

div 2.3 hdg (prev pt 2 div 3 hdg) renum R3 LA

#### **Authorisation of visiting international licensed shooters**

s 23 om 1999 No 17 s 4

#### **Applications for permits**

s 29 sub 1999 No 17 s 5  
am SL2003-28 s 18; A2005-13 amdt 1.39, amdt 1.40  
example and note to (2) (b) (xi) (B), (4) exp 27 March 2012  
(s 29 (4))

#### **International visitors—form of temporary permits**

s 29A ins 1999 No 17 s 5

#### **Photograph on permits**

s 30 am 1999 No 17 s 6

**International visitors—conditions of permits or authorisations**

s 30A ins 1999 No 17 s 7

**Clubs**

pt 3A hdg renum as pt 4 hdg

**Clubs**pt 4 hdg orig pt 4 hdg renum as pt 5 hdg  
(prev pt 3A hdg) ins A2003-31 s 33  
renum R4 LA (see A2003-31 s 35)**Meaning of *target pistol shooter* for pt 4**

s 31A ins A2003-31 s 33

**Conditions of approval of shooting clubs—Act, s 15 (5)**s 31B ins A2003-31 s 33  
(3)-(5) exp 1 August 2004 (s 31B (5))**Shooting clubs—power to request information from registrar about target pistol shooters**

s 31C ins A2003-31 s 33

**Target pistol shooters to notify club of change of name or address**

s 31D ins A2003-31 s 33

**Conditions of approval of collectors clubs—Act, s 15 (5)**s 31E ins A2003-31 s 33  
(3), (4) exp 1 August 2004 (s 31E (4))**Registration**pt 5 hdg orig pt 5 hdg renum as pt 6 hdg  
(prev pt 4 hdg) renum R4 LA (see A2003-31 s 35)**Safekeeping of firearms**pt 6 hdg orig pt 6 hdg renum as pt 7 hdg  
(prev pt 5 hdg) renum R4 LA (see A2003-31 s 35)**Security and safe storage**div 6.1 hdg (prev pt 5 div 1 hdg) renum R3 LA  
(prev div 5.1 hdg) renum R4 LA**Displays**div 6.2 hdg (prev pt 5 div 2 hdg) renum R3 LA  
(prev div 5.2 hdg) renum R4 LA**Exemptions**pt 7 hdg orig pt 7 hdg renum as pt 8 hdg  
(prev pt 6 hdg) renum R4 LA (see A2003-31 s 35)**Certain people**

s 44 am Act 2001 No 11 amdt 3.129; A2004-7 amdt 1.4

## Endnotes

### 5 Earlier republications

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**Paint pellet guns**

s 46 am Act 2001 No 44 amdt 1.1702, amdt 1.1703; R3 LA (see 2001 No 44 amdt 1.1704)

**Lending for competition**

s 47 am A2003-31 s 34

**Miscellaneous**

pt 8 hdg (prev pt 7 hdg) renum R4 LA (see A2003-31 s 35)

**Prescribed sporting organisations**

s 49 am 1999 No 17 sch

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 1999 No 1	31 July 1999
2	SL 1999 No 17	31 May 2000
3	Act 2001 No 44	12 September 2001
3 (RI)	Act 2001 No 44 ‡	12 September 2001
4	A2003-31	1 July 2003
5	SL2003-28	29 August 2003
6	A2004-7	5 April 2004
7	A2004-7	1 July 2004
8	A2004-7	2 August 2004
9	A2004-7	4 November 2004

‡ includes retrospective amendments by Act 2002 No 30

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