



Australian Capital Territory

# **Firearms Regulation 2008**

**SL2008-55**

made under the

**Firearms Act 1996**

**Republication No 3**

**Effective: 22 September 2009 – 28 September 2009**

Republication date: 22 September 2009

Last amendment made by A2009-20

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Firearms Regulation 2008*, made under the *Firearms Act 1996* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 22 September 2009. It also includes any amendment, repeal or expiry affecting the republished law to 22 September 2009.

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 does not include 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 2008

made under the

**Firearms Act 1996**

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Australian Capital Territory

## Firearms Regulation 2008

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Firearms Regulation 2008*.

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*reserved area*—see the *Nature Conservation Act 1980*, dictionary.' means that the term 'reserved area' is defined in that dictionary and the definition applies to this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4 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.

## 5 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 all offences against this regulation (see Code, pt 2.1).

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.

**6 Not firearms—Act, s 6 (2) (a)**

- (1) The following are not 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;
  - (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 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;
- (h) a tool designed to discharge a nail, spike or other fastener into or through material by means of compressed air or carbon dioxide.

**Example**

nail gun

(2) In this section:

***explosive-powered tool***—see the *Scaffolding and Lifts Regulation 1950*, section 118A (2).

***pre-percussion pistol***—

- (a) means a muzzle-loading pistol (including a percussion-lock pistol that is muzzle-loading) that uses black powder to propel a projectile; but
- (b) does not include—
  - (i) a breech-loading pistol with a rotating cylinder; or
  - (ii) a breech-loading pistol that accepts metallic cartridges.

## Part 2 Clubs

### 7 Meaning of *target pistol shooter*—pt 2

In this part:

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

- (a) a person who is a member of the club and holds a category H licence issued for the genuine reason of sport or target shooting; or

*Note 1* The Act, pt 7 deals with firearms licences.

*Note 2* An applicant for an adult firearms licence must have a genuine reason to possess or use a firearm. See the Act, s 61 for genuine reasons to possess or use firearms.

- (b) a person who has applied for membership of the club and whose membership will involve the use of a pistol for sport or target shooting.

### 8 Shooting clubs, conditions of approval—Act, s 40 (5)

- (1) It is a condition of the approval of a shooting club that the club must not admit a target pistol shooter (the *applicant*) as a member unless—
  - (a) the applicant gives the club a statement supplied by a police officer about the applicant's criminal history (if any); and
  - (b) the applicant gives the club—
    - (i) for an adult applicant—2 character references, each from an adult who has known the applicant for at least 2 years; or
    - (ii) for a child applicant—a statement from a responsible person for the applicant describing the relationship the responsible person has with the applicant; and

- (c) the secretary or another office-holder of the club is satisfied that the applicant has given—
  - (i) the name of any other approved shooting club of which the applicant is a member; and
  - (ii) for an adult applicant—a statement of the pistols owned by the applicant.
- (2) It is a condition of the approval of a shooting club that the secretary, or another office-holder of the club, gives the registrar, in writing—
  - (a) the full name and home address of any club member who is a target pistol shooter (*relevant club member*) who leaves the club or does not renew membership with the club, as well as the date the membership change happened, within 14 days after the day the change in membership happens; and
  - (b) details of any change in the name or home address of a relevant club member within 14 days after the day the club is told of the change; and
  - (c) details of any suspension or cancellation of the membership of a relevant club member including the reason the club chose to suspend or cancel the membership within 7 days after the day the decision is made; and
  - (d) as soon as practicable after each 1 July, a return for the previous financial year that states—
    - (i) the full name and home address of relevant club members as at the date of the return; and
    - (ii) the number and kind of activities mentioned in section 68 (Minimum participation rates for members of approved clubs—Act, dict, def *active*, par (a)) that each relevant club member took part in during the previous financial year; and

- (iii) the pistols known by the club, or the secretary or other office-holder, to be owned by each relevant club member during the previous financial year; and

*Note* If a form is approved under the Act, s 271 for a return, the form must be used.

- (e) if the secretary or other officer-holder of the club believes on reasonable grounds that a relevant club member, or an applicant for membership to be a relevant club member, may pose a threat to public safety, or a threat to the person's own safety, if in possession of a pistol—that the secretary or office-holder tells the registrar about the belief.
- (3) It is a condition of the approval of a shooting club that 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.
  - (4) To remove any doubt, the honest disclosure of something to the registrar to comply with a condition under subsection (2) does not give rise to a civil or criminal proceeding against the club or the secretary or other office-holder of the club in relation to loss, damage or injury of any kind to anyone.

## **9 Shooting clubs, power to request information from registrar about target pistol shooters—Act, s 272 (2) (m)**

- (1) This section applies if a target pistol shooter applies for membership of an approved shooting club.
- (2) The secretary or another office-holder of the approved shooting club may ask the registrar, in relation to an application for membership of the club by a target pistol shooter (the *applicant*), to give the secretary or other office-holder of the club information about any of the following known to the registrar:
  - (a) for an adult applicant—the pistols owned by the applicant;



- (b) any other approved shooting club, or approved shooting club (however described) in a State, of which the applicant is a member;

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

- (c) any other approved shooting club, or approved shooting club (however described) in a State, of which the applicant has been refused membership, or had his or her membership suspended or cancelled, in the 5 years before the day the application is made;
- (d) any category H licence issued to the applicant that has been cancelled in the 5 years before the day the application is made;
- (e) any earlier application for a category H licence by the applicant that has been refused by the registrar in the 5 years before the day the application for membership is made.
- (3) The secretary or other office-holder of the approved shooting club may also ask the registrar, in relation to an application for membership, to disclose to the secretary or other office-holder of the club the applicant's criminal history (if any) that is, in the registrar's opinion, relevant to the issue of a category H licence.
- (4) The registrar is authorised to give or disclose the information mentioned in subsections (2) and (3) to the secretary or other relevant office-holder of the club.

## **10 Target pistol shooters to tell club about change of name or address—Act, s 272 (2) (m)**

- (1) A target pistol shooter (the *person*) commits an offence if—
- (a) the person is a member of an approved shooting club; and
- (b) the person's name or home address changes; and

- (c) the person does not tell the secretary or another office-holder of the club, in writing, about the change within—
  - (i) for an adult—14 days after the day the change happens; or
  - (ii) for a child—28 days after the day the change happens.

Maximum penalty: 10 penalty units.

*Note* A child may obtain a minors firearms licence if the child is at least 12 years old—see s 28.

- (2) An offence against this section is a strict liability offence.

## **11 Collectors clubs, conditions of approval—Act, s 40 (5)**

- (1) It is a condition of the approval of a collectors club that the secretary or another office-holder of the club tells the registrar, in writing, about the following:
  - (a) the suspension or cancellation of the membership of a person who collects pistols and the reasons for the suspension or cancellation;
  - (b) if the secretary or other officer-holder of the club believes on reasonable grounds that a club member who collects pistols, or an applicant for membership of the club who collects pistols, is not a suitable person to possess a pistol—the belief that the person is not a suitable person to possess a pistol.
- (2) Notice under subsection (1) must be given to the registrar not later than 7 days after—
  - (a) for a decision to suspend or cancel a membership—the day after the day the decision is made; or
  - (b) for a belief that a person is not a suitable person to possess a pistol—the day the secretary or relevant office-holder forms the belief that the person is not a suitable person.

- (3) In determining whether a person is a *suitable person* to possess a pistol, the secretary or other office-holder of the club (the *decision maker*) may consider the following:
- (a) whether the person's physical or mental health reduces the person's ability to handle firearms responsibly;
  - (b) whether, during the 10 years before the day the decision maker has to determine whether the person is suitable, the person has—
    - (i) been released (whether on parole or otherwise) after serving a term of imprisonment or detention; or
    - (ii) been subject to a protection order or corresponding order that has been revoked; or
    - (iii) been subject to an interim protection order or corresponding order; or
    - (iv) been convicted or found guilty of an offence (other than a prescribed offence)—
      - (A) against this regulation or a corresponding law; or
      - (B) in the ACT or elsewhere involving violence, drugs, alcohol or weapons; or
- Note* A conviction does not include a spent conviction—see the *Spent Convictions Act 2000*, s 16 (c) (i).
- (v) given an undertaking to a court, in the ACT or elsewhere, to keep the peace or be of good behaviour; or
  - (vi) had his or her licence suspended or cancelled.
- (4) To remove any doubt, the honest disclosure of something to the registrar to comply with a condition under subsection (1) does not give rise to a civil or criminal proceeding 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.

(5) In this section:

*prescribed offence* means an offence—

- (a) against this regulation or a corresponding law; or
- (b) in the ACT or elsewhere involving violence, drugs, alcohol or weapons; or
- (c) punishable by imprisonment for longer than 1 year.



- (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.

*Note* The registrar may approve a shooting competition—see the Act, s 20 (1) (b).

### **13 Category C licences, target shooting—Act, s 53 (3)**

- (1) This section applies to an adult applying for a category C licence for the possession and use of a prohibited firearm (other than a firearm mentioned in the Act, schedule 1, item 6, item 11 or item 12) for the purposes of a shooting competition.

*Note* The Act, sch 1, items 6, 11 and 12 prescribe each of the following as a prohibited weapon:

- (a) item 6—a self-loading shotgun of a kind that is designed or adapted for military purposes;
  - (b) item 11—a firearm to which there is attached any article or device capable of muffling, reducing or stopping the noise created by firing the firearm;
  - (c) item 12—a firearm, other than a pistol, fitted with a pistol grip or stock that is specially designed so as to be readily detachable, or to operate on a swivel, folding or telescopic basis.
- (2) The licence may authorise the possession and use of the prohibited firearm if—
- (a) the application for the licence is supported by a written statement from an officer of a club affiliated with the Australian Clay Target Association to the effect that the applicant is physically unable to compete in clay target competition unless the applicant uses a semiautomatic or pump-action shotgun; and

- (b) the registrar is given a certificate from a doctor certifying that the person ought to be considered physically unable to compete in clay target competition without the use of a semiautomatic or pump-action shotgun.
- (3) The licence may also authorise the possession and use of the prohibited firearm if the applicant was lawfully in the possession of the firearm on or before 14 November 1996.

**14 Category C licence, prohibited firearm used for shooting competition, offences—Act, s 272 (2) (o)**

- (1) A person commits an offence if the person—
  - (a) holds 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 11 or item 12) for the purposes of a shooting competition; and
  - (b) uses the firearm other than—
    - (i) on an approved shooting range; and
    - (ii) in accordance with the rules of the relevant club affiliated with the Australian Clay Target Association; and
    - (iii) for the purposes of a shooting competition or of practice for the competition.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

## Part 4                    Licensing—adult firearms

### Division 4.1            Adult firearms licences—general

#### 15                    **Adult licence applications, information and documents— Act, s 54 (2) (b) and (c)**

- (1) An application mentioned in table 15, column 2 must contain the information, and be accompanied by any document, mentioned in column 3 in relation to the application.
- (2) For table 15, items 16 and 17, 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 engaged or employed by the administrative unit responsible for the *Pest Plants and Animals Act 2005*;  
*Note*     For the administrative unit responsible for the *Pest Plants and Animals Act 2005* see the Administrative Arrangements under the *Public Sector Management Act 1994*.
  - (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.
- (3) In this section:  
**veterinary surgeon**—see the *Health Professionals Regulation 2004*, schedule 12, clause 12.1.



**Table 15**

<b>column 1 item</b>	<b>column 2 application</b>	<b>column 3 required information and documentation</b>
1	<p>application for renewal of a category A, category B or category H licence if—</p> <p>(a) the genuine reason for possessing or using the firearm is for sport or target shooting; and</p> <p>(b) the application does not carry the stamp of an approved club signed by the club's senior instructor</p>	<p>a document signed by an office-holder of the approved club confirming that the applicant is a current financial member of the club</p>
2	<p>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 specified rural land</p>	<p>(a) the written authority of the owner or occupier of the land to hunt or control vermin on the land;</p> <p>(b) the name and address of the owner or occupier of the land;</p> <p>(c) the telephone number of the owner or occupier;</p> <p>(d) the name (if any), location and size of the land;</p> <p>(e) what the applicant is allowed to hunt or control;</p> <p>(f) dates when the applicant has permission to hunt or control</p>

<b>column 1 item</b>	<b>column 2 application</b>	<b>column 3 required information and documentation</b>
3	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 authorisation given by a State or another Territory that authorises the applicant to use a firearm on land within a stated reserved area for recreational hunting or vermin control, or a certified copy of the authorisation
4	application for a category A or category B licence if the genuine reason for possessing or using the firearm is primary production	<ul style="list-style-type: none"> <li>(a) the name (if any), location and size of the land the applicant uses for primary production;</li> <li>(b) documentation that demonstrates that— <ul style="list-style-type: none"> <li>(i) the applicant’s occupation is the business of a primary producer; or</li> <li>(ii) the applicant is the owner, lessee or manager of land used for primary production;</li> </ul> </li> <li>(c) 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</li> </ul>

column 1 item	column 2 application	column 3 required information and documentation
5	application for a category C licence if the genuine reason for possessing or using the firearm is primary production	<p>(a) a signed statement by the applicant to the effect that—</p> <ul style="list-style-type: none"> <li>(i) the applicant has a genuine occupational need to use a category C firearm because his or her occupation is related to primary production; and</li> <li>(ii) the occupational need cannot be satisfied by the use of a firearm that is not prohibited; and</li> <li>(iii) the applicant will not use the firearm to which the application relates except in connection with primary production;</li> </ul> <p>(b) particulars or relevant documents (if any) that support the statements in paragraph (a) (i) and (ii)</p>
6	application for a category C licence if the genuine reason for possessing or using the firearm is vertebrate pest animal control	<p>(a) a statement signed by the applicant to the effect that—</p> <ul style="list-style-type: none"> <li>(i) the applicant has a genuine occupational need to use a category C firearm for the purposes of vertebrate pest animal control; and</li> <li>(ii) the occupational need cannot be satisfied by the use of a firearm that is not prohibited; and</li> <li>(iii) 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;</li> </ul>

**Part 4** Licensing—adult firearms  
**Division 4.1** Adult firearms licences—general

Section 15

column 1 item	column 2 application	column 3 required information and documentation
		(b) particulars or relevant documents (if any) that support the statements in paragraph (a) (i) and (ii)
7	application for a category D licence	(a) a statement signed by the applicant to the effect that— <ul style="list-style-type: none"> <li data-bbox="810 824 1270 969">(i) the applicant has a genuine occupational need to possess or use a category D firearm for the purposes of vertebrate pest animal control; and</li> <li data-bbox="810 992 1270 1238">(ii) if the applicant is a person mentioned in the Act, table 61, item 4 (the genuine reason of vertebrate pest animal control), column 3, paragraph (a) or (b)—the occupational need cannot be met by the use of a firearm that is not prohibited; and</li> <li data-bbox="810 1261 1270 1406">(iii) if the applicant is a person mentioned in the Act, table 61, item 4, column 3, paragraph (c)—the occupational need cannot be met in any other way; and</li> <li data-bbox="810 1429 1270 1753">(iv) if the applicant is a person mentioned in the Act, table 61, item 4, column 3, paragraph (a) or (b)—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</li> </ul>

column 1 item	column 2 application	column 3 required information and documentation
		<ul style="list-style-type: none"> <li data-bbox="810 600 1270 875">(v) if the applicant is a person mentioned in the Act, table 61, item 4, column 3, paragraph (c)—the applicant will not use the firearm to which the application relates except in connection with the campaign mentioned in the Act, table 61, item 4, column 3, paragraph (c);</li> <li data-bbox="738 891 1270 981">(b) information or relevant documents (if any) that support the statements in subparagraphs (i) to (v)</li> </ul>
8	application for a category H licence if the genuine reason for possessing or using the firearm is business	<ul style="list-style-type: none"> <li data-bbox="738 1041 1254 1099">(a) a statement signed by the applicant to the effect that—                             <ul style="list-style-type: none"> <li data-bbox="810 1115 1270 1263">(i) in the ordinary course of the applicant’s business the applicant receives, carries or escorts not less than \$30 000 of money or valuables more than once each month; and</li> <li data-bbox="810 1279 1270 1368">(ii) the applicant intends to continue carrying on the business for the next 12 months; and</li> <li data-bbox="810 1384 1270 1532">(iii) the applicant has passed an examination in the safe handling and use of a category H firearm conducted by an authorised instructor;</li> </ul> </li> <li data-bbox="738 1547 1254 1615">(b) particulars or relevant documents (if any) supporting the applicant’s statement</li> </ul>

<b>column 1 item</b>	<b>column 2 application</b>	<b>column 3 required information and documentation</b>
9	application for a category H licence if the genuine reason for possessing or using the firearm is employment by a security business	<p>a certificate from the person in charge of a security business stating—</p> <ul style="list-style-type: none"> <li>(a) 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</li> <li>(b) whether the applicant will be required to wear a uniform; and</li> <li>(c) whether the applicant will be required to carry the firearm concealed or whether it will be visible to the public</li> </ul>
10	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	<ul style="list-style-type: none"> <li>(a) 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;</li> <li>(b) 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</li> </ul>
11	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	<ul style="list-style-type: none"> <li>(a) the name of the employer and a description of the employer's business;</li> <li>(b) a statement signed by or on behalf of the employer to the effect that— <ul style="list-style-type: none"> <li>(i) the employer employs or intends to employ the applicant; and</li> <li>(ii) the applicant will be required to use or possess a category A or category B firearm in the course of that employment</li> </ul> </li> </ul>

<b>column 1 item</b>	<b>column 2 application</b>	<b>column 3 required information and documentation</b>
12	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
13	application 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	<p>(a) a statement signed by the applicant to the effect that—</p> <ul style="list-style-type: none"> <li>(i) the applicant has a genuine occupational need to use a category C firearm that, if relevant, relates to rural purposes; and</li> <li>(ii) the need cannot be satisfied by using a firearm that is not prohibited; and</li> <li>(iii) the firearm will be used solely in connection with the applicant's occupation;</li> </ul> <p>(b) particulars or documents (if any) supporting paragraph (a) (i) and (ii)</p>

<b>column 1 item</b>	<b>column 2 application</b>	<b>column 3 required information and documentation</b>
14	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	<p>(a) a signed statement from a person to the effect that—</p> <p>(i) the applicant is employed by the person in a rural occupation; and</p> <p>(ii) for the purposes of that employment the applicant is required to use or possess a category A or category B firearm; and</p> <p>(iii) the name (if any), location and size of any property where the applicant will be employed;</p> <p>(b) the approximate hours and days when the applicant will be employed</p>
15	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
16	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	<p>(a) particulars of the location where the applicant is employed or works;</p> <p>(b) 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</p>



<b>column 1 item</b>	<b>column 2 application</b>	<b>column 3 required information and documentation</b>
17	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
18	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— <ul style="list-style-type: none"> <li>(a) the applicant is a member of the club; and</li> <li>(b) 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</li> <li>(c) 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</li> </ul>
19	application for an heirlooms licence	for the firearm that is the subject of the application— <ul style="list-style-type: none"> <li>(a) the age of the firearm; and</li> <li>(b) the type of firearm; and</li> <li>(c) how the firearm came into the possession of the family; and</li> <li>(d) the length of time that the firearm has been in the possession of the family</li> </ul>

**16 Government agency responsible, vertebrate pest animal control**

For the Act, table 61, item 4, the prescribed government agency is the administrative unit responsible for the *Pest Plants and Animals Act 2005*.

*Note* For the government agency responsible for the *Pest Plants and Animals Act 2005* see the Administrative Arrangements under the *Public Sector Management Act 1994*.

**17 Adult licences, evidence of special need for category C licence—Act, s 272 (2) (o)**

*Note* The Act, s 64 restricts the issue of category C licences to adults who establish a genuine reason of primary production to possess or use a firearm to which a category C licence applies. The applicant must produce evidence satisfying the registrar of the special need to possess or use a category C firearm and that that special need cannot be met in any other way.

- (1) This section applies to an adult applying for a category C licence if the adult's genuine reason is primary production.
- (2) Evidence of the size of the adult's property that may be produced by the adult includes the following:
  - (a) the number of properties involved;
  - (b) the size of the properties involved;
  - (c) the size of, and potential threat posed by, a particular vertebrate pest animal;
  - (d) how close any property involved is to a residential area.

**18 Adult licences, evidence of special need for category D licences—Act, s 272 (2) (o)**

*Note* The Act, s 65 restricts the issue of category D licences to adults who establish a genuine reason of vertebrate pest animal control to possess or use a firearm to which category D applies. The applicant must produce evidence satisfying the registrar of the special need to possess or use a category D firearm and that that special need cannot be met in any other way.

- (1) This section applies to an adult applying for a category D licence if the adult's genuine reason is vertebrate pest animal control.
- (2) Evidence of the size of the adult's property that may be produced by the adult includes the following:
  - (a) the number of properties involved;
  - (b) evidence of the size of the properties involved;
  - (c) the size of, and potential threat posed by, a particular vertebrate pest animal;
  - (d) how close any property involved is to a residential area.

**19 Adult licences, period—Act, s 78 (1) (b)**

- (1) This section applies to each category of adult firearms licence (other than a category D licence) 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.
- (2) The period the licence may remain in force is 2 years.

*Note* For category D licences, see the Act, s 78 (1) (c).

## Division 4.2 Adult firearms licences—conditions

### 20 Adult licence condition, category A, B, C or H licences— Act, s 73 (1) (g)

- (1) This section applies to 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.
- (2) It is a condition of the licence that, each year—
  - (a) the licensee gives the registrar a written statement from an approved club stating that the licensee is a financial and active member of the club; and
  - (b) if the licensee holds a category C licence that authorises the possession and use of a prohibited firearm (other than a firearm mentioned in the Act, schedule 1, item 6, item 11 or item 12) for the purposes of a shooting competition—the licensee takes part in at least 4 clay target competitions organised by a club affiliated with the Australian Clay Target Association.
- (3) The licensee must give the registrar the statement mentioned in subsection (2) (a) not later than 30 days after the end of the year.

*Note* A year, without specifying the kind of year, means a calendar year (see Legislation Act, dict, def *year*).

### 21 Adult licence conditions, category H licences for business—Act, s 73 (1) (g)

- (1) The following conditions are prescribed in relation to a category H licence if the genuine reason is business:
  - (a) the licensee must have passed an examination in the safe handling and use of a category H firearm conducted by an authorised instructor at least once every 12 months while the licence is in force;

- (b) the licensee must, within 7 days after the end of the relevant period, give the registrar a written report containing particulars of the occasions when the firearm was carried in connection with the business within the relevant period;
  - (c) the licensee must not possess more than 1 category H firearm.
- (2) In subsection (1) (b), the relevant period is the 6 months beginning on the day when the licence is issued and each 6 months following.

**22 Adult licence conditions, category H licences for employment—Act, s 73 (1) (g)**

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 while the licence is in force;
- (b) if the licensee fails an examination mentioned in paragraph (a)—the licensee must pass the examination within 14 days after the day of the failure;
- (c) a licensee must not undertake an examination mentioned in paragraph (a) that the licensee has failed 3 times.

**23 Adult licence conditions, firearms collectors licences—Act, s 73 (1) (g)**

The following conditions are prescribed in relation to a firearms collectors licence:

- (a) the licensee must not display an heirloom unless the display is authorised under a permit;
- (b) a licensee must not dispose of a firearm other than a category C or category D firearm to someone other than a licensed firearms dealer or licensed collector.

**24 Adult licence conditions, heirlooms licences—Act, s 73 (1) (g)**

- (1) The following conditions are prescribed in relation to a firearms heirlooms licence:
  - (a) the licensee must not display an heirloom unless the display is authorised under a permit;
  - (b) the licensee must not possess ammunition for an heirloom held under the licence unless authorised to do so by the registrar.
- (2) If the licensee is authorised by the registrar to possess ammunition for an heirloom under the licence, the licence must state the amount of ammunition that the licensee is authorised to possess.

**25 Dealer licence condition—Act, s 73 (1) (g)**

- (1) It is a condition of a firearms dealer licence that the licensee must not operate as a firearms dealer at premises other than the registered premises unless the registrar approves the operation, whether on a written application from the licensee or otherwise.
- (2) The registrar must decide an application mentioned in subsection (1) as if it were an application for a firearms dealer licence.

*Note* If the registrar refuses the application, the person refused may apply for review of the decision (see pt 16).

**26 Dealer licence condition, club armourers— Act, s 73 (1) (g)**

- (1) This section applies in relation to a firearms dealer licence if the licensee has been issued the licence for the purpose of being a club armourer.

- (2) It is a condition of the licence that the licensee must only buy firearms or firearm parts from, or dispose of them to, people who are—
- (a) members of the approved club of which the licensee is the armoured; or
  - (b) members of an approved club that is visiting that club.
- (3) The licensee must not make a profit from a transaction mentioned in subsection (2).

**27 Collector licence condition, making firearm incapable of being fired—Act, s 76 (a)**

A firearm (other than a category C or category D firearm) must be made temporarily incapable of being fired—

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

*Note* A collector's licence may contain a category C or category D firearm only if the firearm has been rendered permanently inoperable—see the Act, s 76.

## **Part 5 Licensing—minors firearms**

### **28 Minors firearms licences, minimum age—Act, s 85 (1) (a)**

The prescribed age is 12 years old.



## **Part 6                      Licensing—composite entities**

### **Division 6.1              Composite entity licences—general**

#### **29                      Composite entity licences, stated information and documents for applications—Act, s 272 (2) (o)**

*Note*        The Act, s 102 requires an applicant for a composite entity licence to give the registrar stated further information or documents that the registrar reasonably needs to decide the application.

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 must contain or be accompanied by the following:

- (a) a certified copy of the entity's certificate of registration under the *Business Names Act 1963*, section 7 (Registration of business names);
- (b) particulars of the entity's core business functions;
- (c) particulars of why the entity needs to possess a firearm and the number and type of firearms required;
- (d) the name, title and business address of the person nominated by the entity to hold the licence;
- (e) the name and position of any employee of the entity who will be required to use or possess a firearm during the course of employment.

**30 Composite entity, evidence of special need for category C licence—Act, s 272 (2) (o)**

*Note* The Act, s 111 restricts the issue of category C licences to composite entities who establish a genuine reason of primary production to possess or use a firearm to which category C applies. The applicant must produce evidence satisfying the registrar of the special need to possess or use a category C firearm and that that special need cannot be met in any other way by the authority given by a category A or category B or otherwise.

- (1) This section applies to a composite entity applying for a category C licence if the entity's genuine reason is primary production.
- (2) Evidence of the size of the composite entity's property that may be produced by the entity includes the following:
  - (a) the number of properties involved;
  - (b) the size of the properties involved;
  - (c) the size of, and potential threat posed by, a particular vertebrate pest animal;
  - (d) how close any property involved is to a residential area.

**Division 6.2 Composite entity licences—conditions**

**31 Composite entity licence conditions—Act, s 116 (1) (h)**

It is a condition of a composite entity licence that the licensee must—

- (a) tell the registrar in writing if someone whose employment by the entity included a requirement to use or possess a firearm is no longer employed by the entity; and
- (b) give the notice to the registrar within 14 days after the day the employment ends.

**32 Composite entity licence conditions, category H licences for business—Act, s 116 (1) (h)**

- (1) The following conditions are prescribed in relation to a category H licence if the genuine reason is business:
- (a) the responsible person for the licensee must have passed an examination in the safe handling and use of a category H firearm conducted by an authorised instructor at least once every 12 months while the licence is in force;
  - (b) the responsible person for the licensee must, within 7 days after the end of the relevant period, give the registrar a written report containing particulars of the occasions when the firearm was carried in connection with the business within the relevant period;
  - (c) the responsible person for the licensee or another person employed by the licensee must not, when engaged by the licensee, possess more than 1 category H firearm.
- (2) In subsection (1) (b), the relevant period is the 6 months beginning on the day when the licence is issued and each 6 months following.

**33 Composite entity licence conditions, category H licences for employment—Act, s 116 (1) (h)**

The following conditions are prescribed in relation to a category H licence if the genuine reason is employment:

- (a) the responsible person for 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 while the licence is in force;
- (b) if the responsible person for the licensee fails an examination mentioned in paragraph (a)—the responsible person for the licensee must pass the examination within 14 days after the day of the failure;

- (c) a responsible person for the licensee must not undertake an examination mentioned in paragraph (a) that the responsible person for the licensee has failed 3 times.



## **Part 8 Temporary recognition of other licences**

### **35 Temporary recognition of interstate licences, for possession or use of firearm—Act, s 136 (1) (a) (ii)**

The following purposes are prescribed:

- (a) to conduct a shooting gallery for airgun use—
  - (i) at the National Exhibition Centre during the period of the show conducted by the Royal National Capital Agricultural Society of the Royal Canberra Show; or
  - (ii) during the period of the festival conducted by ACT Festivals Incorporated of the Canberra National Multicultural Festival;
- (b) to provide security as an employee of a security organisation;
- (c) to control vertebrate pest animals under an agreement with the Territory;
- (d) to kill an animal in accordance with the written permission of the registrar.

### **36 Conditions of temporary recognition of interstate licences—Act, s 136 (3)**

The prescribed conditions for the possession or use of a firearm are—

- (a) that the individual complies with the Act, part 12 (Safe storage of firearms) to the extent required of an individual holding a licence issued in the ACT corresponding with the individual's interstate licence; and

- (b) that the individual does not let anyone else possess or use any firearm in the individual's possession if the other person is not authorised to possess or use the firearm.

## Part 9 Firearms dealers

### 37 Dealer licences, restrictions on issue—Act, s 272 (2) (e)

- (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 stated 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:
  - (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.



**38 Dealer licences, required particulars for recording acquisitions and disposals—Act, s 194 (2) (e)**

The following particulars are prescribed:

- (a) for each firearm that is the subject of an acquisition or disposal—
  - (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 kind of licence and 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.

**39 Licensed firearms dealers, additional requirements—Act, s 272 (2) (e)**

- (1) A licensed firearms dealer commits an offence if—
  - (a) the dealer has or acquires possession of a firearm or spare barrel; and
  - (b) the firearm or spare barrel is not separately and clearly numbered in a way that allows the firearm or spare barrel to be identified; and

- (c) the dealer fails to notify the registrar in writing that the dealer possesses the firearm or spare barrel.

Maximum penalty: 10 penalty units.

- (2) A licensed firearms dealer commits an offence if—
  - (a) the registrar asks the dealer, in writing, to produce for inspection by a police officer any firearm to which the licence relates; and
  - (b) the firearm is not a category A or category B firearm; and
  - (c) the dealer fails to produce the firearm when requested to do so by a police officer.

Maximum penalty: 10 penalty units.

- (3) A licensed firearms dealer commits an offence if the dealer fails to state or display his or her licence number in an advertisement for the dealer's firearms business.

Maximum penalty: 10 penalty units.

- (4) A licensed firearms dealer commits an offence if—
  - (a) a sale is made through the dealer; and
  - (b) the dealer fails to record the details of the sale.

Maximum penalty: 10 penalty units.

**40 Spare barrels, prescribed records when barrel sold—Act, s 194 (2) (e)**

- (1) The following must be recorded by a firearms dealer in relation to the sale of a spare barrel to someone else:
  - (a) the date of the sale;
  - (b) if the barrel is sold with a firearm that the barrel can be used with—
    - (i) the number of the other person's permit to acquire the firearm; and
    - (ii) either—
      - (A) the make and serial number of the firearm; or
      - (B) the unique identifying number given by the registrar of the firearm;
  - (c) either—
    - (i) the make and serial number of the barrel sold; or
    - (ii) the unique identifying number given to the barrel by the registrar.
- (2) The following must be recorded by a firearms dealer in relation to the acquisition of a spare barrel from someone else:
  - (a) the date of the acquisition;
  - (b) the number of the licence authorising the other person to use and possess any firearm the barrel was used with;
  - (c) either—
    - (i) the make and serial number of the barrel acquired; or
    - (ii) the unique identifying number given to the barrel by the registrar;

- (d) either—
- (i) the make and serial number of any firearm acquired with the barrel; or
  - (ii) the unique identifying number given by the registrar of any firearm acquired with the barrel.

## Part 10 Registration

### 41 Register of firearms, other particulars—Act, s 157

The following particulars must be included in the register in relation to each registered firearm:

- (a) the address, date of birth and sex of the registered owner;
- (b) the name, address, date of birth and sex of each registered user;
- (c) 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;
- (d) the identifying number of any spare barrel for the firearm if the barrel and the firearm are of a different calibre;
- (e) the State or Territory that licensed or authorised the person in whose name the firearm is registered;
- (f) for each registered owner of the firearm—
  - (i) the date of its acquisition by the owner; and
  - (ii) the name and address of the person from whom the owner acquired the firearm;
- (g) if the registered owner of the firearm disposes of the firearm—
  - (i) the date of disposal; and
  - (ii) the name and address of the person who disposes of the firearm.

### 42 Registration of unregistered firearms, prescribed period—Act, s 177 (4) (b)

The period within which the firearm may be registered is 7 days after the date of its acquisition.

**43 Registered firearms, required particulars when firearm acquired or sold—Act, s 178 (2) (b)**

- (1) For the sale of a firearm, the following particulars are to be given to the registrar:
  - (a) the date of the sale;
  - (b) the name and licence details of the licensed firearms dealer or other person to whom the firearm was sold;
  - (c) either—
    - (i) the make and serial number of the firearm sold; or
    - (ii) the identifying number given to the firearm by the registrar;
  - (d) for any spare barrel sold with the firearm—
    - (i) the make and serial number of the barrel; or
    - (ii) the unique identifying number given to the barrel by the registrar.
- (2) For the acquisition of a firearm, the following particulars are to be given to the registrar:
  - (a) the date of the acquisition;
  - (b) the number of the person's permit to acquire the firearm;
  - (c) the number of the licence or permit authorising the person who acquired the firearm to possess it;
  - (d) the name and licence details of the licensed firearms dealer or other person from whom the firearm was acquired;
  - (e) either—
    - (i) the make and serial number of the firearm acquired; or
    - (ii) the identifying number given to the firearm by the registrar;

- (f) for any spare barrel acquired with the firearm, either—
  - (i) the make and serial number of the barrel; or
  - (ii) the unique identifying number given to the barrel by the registrar.

## Part 11 Safe storage of firearms

### Division 11.1 Security and safe storage

#### 44 Safe storage requirements, category A and category B firearms and paintball markers—Act, s 181 (1) (c)

When a category A or category B firearm or paintball marker is stored, the firing mechanism must, if at all possible, be removed and stored separately from the firearm or marker.

#### 45 Security and safe storage requirements, category D firearms—Act, s 182 (1) (c)

- (1) The holder of a category D licence must store the firearm to which the licence relates in a place in which an intruder alarm is installed.
- (2) The intruder alarm must be connected to the mains power with a battery backup in case of power failure and include—
  - (a) a space movement detector that uses a microwave, passive infra-red, ultrasonic or similar system of detection; and
  - (b) an external noisemaker that sounds when the alarm is activated.

#### 46 Storage of category A and category B firearms, collectors—Act, s 180 (3)

- (1) A person who holds a collectors licence takes reasonable steps to ensure that a category A or category B firearm stated in the licence is stored safely if the firearm is stored in accordance with this section.



- (2) If not more than 10 category A or category B firearms are stated in the licence—
- (a) the firearms must be stored in a metal lockable container and the firing mechanisms must be stored 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 stored 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 stated in the licence, the firearms must be stored in a metal safe or a concrete or brick safe of a kind described in section 47 (3).

**47 Storage of category C, category D and category H firearms, collectors—Act, s 180 (3)**

- (1) A person who holds a collectors licence takes reasonable steps to ensure that a category C, category D or category H firearm stated in the licence is stored safely if the firearm is stored in accordance with this section.
- (2) The firearms must be stored 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 AS/NZS 3678:1996 grade 250 and is not less than 3mm thick; and
    - (ii) be constructed with continuous welding of all edges; and
  - (b) for a safe other than a metal safe—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.

**48 Storage of firearms, firearms dealers—Act, s 180 (3)**

- (1) A firearms dealer takes reasonable steps to ensure that a firearm in the dealer's possession is stored safely if the firearm 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 kind described in section 47 (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 11.2      Displays**

### **49      Displaying firearms, reasonable steps in storing—Act, s 180 (3)**

A person (other than a firearms dealer) takes reasonable steps in storing a prohibited firearm or any other firearm if—

- (a) the person complies with the following provisions:
  - (i) for a firearm displayed for a period longer than 30 days—section 50 (Permanent displays) or section 52;
  - (ii) for a firearm displayed for 30 days or less—section 51 (Temporary displays) or section 52;
  - (iii) for a firearm displayed in a wall cabinet—section 52 (Wall displays—Act, s 180 (3)); and

- (b) if the person is an heirlooms licence holder or a collectors licence holder—the display is authorised under a permit.

**Example—temporary display of firearms**

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

*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).

**50 Permanent displays**

- (1) 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.
- (2) 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.
- (3) If practicable, the bolt or firing mechanism must be removed from the firearm.
- (4) 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.

**51 Temporary displays**

- (1) The firearm must be displayed on a solid wood or metal bench.
- (2) 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.
- (3) If practicable, the bolt or firing mechanism must be removed from the firearm.
- (4) 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.
- (5) 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.

**52 Wall displays—Act, s 180 (3)**

- (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 Minister's guidelines.

*Note* For Minister's guidelines, see the Act, s 37.

- (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 12                      Offences

### 53                      **Restrictions on disposal of firearms—Act, s 226 (1) (c)**

A disposal is taken to have been arranged through a licensed firearms dealer if—

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

### 54                      **Safety requirements for transporting prohibited firearms or pistols—Act, s 234**

The safety requirements are that the firearm—

- (a) is not to be loaded; and
- (b) is kept separate from any ammunition; and
- (c) is transported in a secure way in the possession or control of a person on whose licence the firearm is registered.

### 55                      **Shortening firearms—Act, s 240 (2)**

A firearm (other than a pistol) is taken to have been shortened only if it has the characteristics mentioned in the Act, section 250 (3) (a), (b) or (c).

## Part 13                      Shooting ranges

### 56                      Application for approval of shooting range

- (1) A shooting club or corporation may apply to the registrar for approval of a shooting range.
- (2) An application under this section must contain or be accompanied by the following:
  - (a) a certified copy of the entity's certificate of registration under the *Business Names Act 1963*, section 7 (Registration of business names);
  - (b) particulars of the applicant's core business functions;
  - (c) the name, title and business address of the person nominated by the applicant proposed to operate the range;
  - (d) the name and address of each person who is proposed to be authorised to control the activities of people on the range;
  - (e) the name and position of any employee of the entity who will be required to use or possess a firearm during the course of employment at the proposed range;
  - (f) a plan of the range proposed to be used by the applicant and a map showing the location of the range;
  - (g) a statement from the owner of the land where the range is proposed to be located permitting the operator to operate the range on the land;
  - (h) a statement from the owner of the land where the range is proposed to be located acknowledging compliance with the requirements of any other Act relating to use of the land as an approved shooting range.

- (3) The registrar may, in writing, require the applicant to give the registrar additional information or documents that the registrar reasonably needs to decide the application.
- (4) If the applicant does not comply with a requirement reasonably made under subsection (3), the registrar may refuse to consider the application.

### **57 Decision about shooting range approval**

- (1) On an application by a person for approval of a shooting range, the registrar must—
  - (a) approve the range as an approved shooting range; or
  - (b) refuse to approve the range.
- (2) However, the registrar must not approve a shooting range unless—
  - (a) the applicant for the approval is a shooting club or corporation; and
  - (b) the applicant has nominated a person to be the shooting range operator; and
  - (c) the applicant is licensed to operate the shooting range; and
  - (d) the location, construction and equipment of the range are appropriate having regard to the need to protect people from death or injury and property from unlawful destruction or damage.

*Note 1* See the Act, s 273 (Licensing of entities to operate approved shooting ranges).

*Note 2* The Minister may make guidelines about the operation of shooting ranges (see Act, s 37 (4) (c)).

**58 Approved shooting ranges, period of approval—Act, s 272 (2) (k)**

A shooting range approval remains in force for 2 years, starting on the day the approval is given to the applicant.

**59 Shooting ranges, immediate suspension of approval—Act, s 272 (2) (k)**

- (1) This section applies if the registrar—
- (a) is considering whether a ground for cancellation of the approval of the shooting range exists under section 60; and
  - (b) believes on reasonable grounds that there is a threat of death or injury to people or an immediate threat of unlawful damage or destruction to property if the range continues to operate.

*Note 1* The Minister may make guidelines about the making of a decision whether it is in the public interest to suspend an approval (see Act, s 37 (4) (c)).

*Note 2* If the registrar suspends an approval under this section, the registrar must give written notice of the decision to the approval holder (see s 75).

- (2) The registrar may suspend the approval of the shooting range by notice given to the operator of the range.
- (3) The registrar's notice of the suspension must—
- (a) include a statement about the effect of subsections (4) and (5); and
  - (b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the approval should remain in force.
- (4) The suspension ends when the earliest of the following happens:
- (a) the registrar gives the person holding the approval a written notice revoking the suspension;

- (b) if the approval is cancelled under this regulation or another territory law, or suspended (the *later suspension*) under another provision of this regulation or another territory law—the cancellation or later suspension takes effect;
  - (c) 12 weeks have lapsed after the day the suspension takes effect.
- (5) The operator of the range is not authorised to operate the range while the approval is suspended.

**60 Shooting ranges, cancellation of approval—Act, s 272 (2) (k)**

- (1) The registrar must cancel the approval of a shooting range if satisfied that—
- (a) the operator is not operating the shooting range; or
  - (b) the operator has contravened a condition of the approval; or
  - (c) the operator has failed to conduct the shooting range with proper regard to the need to protect people from death or injury and property from unlawful destruction or damage; or
  - (d) the operator has contravened the Act, whether or not the operator has been convicted of an offence for the contravention; or

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

- (e) the operator has been convicted of an offence relating to firearms under the law of a State, another Territory or New Zealand.

- (2) The registrar may cancel the approval of a shooting range if the registrar becomes aware that the operator has, within the period of 10 years before the day the approval was granted—
  - (a) contravened the Act, whether or not the operator was convicted of an offence for the contravention; or
  - (b) been convicted of an offence relating to firearms under the law of a State, another Territory or New Zealand.
- (3) However, the registrar must not cancel the approval unless the registrar—
  - (a) gives the operator written notice that—
    - (i) states that the registrar intends to cancel the approval; and
    - (ii) explains why the registrar intends to cancel the approval; and
    - (iii) gives the operator at least 60 days to make written submissions about the proposed cancellation; and
  - (b) considers any submission made in accordance with the notice.

## Part 14 Approved paintball ranges

### 61 Application for approval of approved paintball range

- (1) A corporation, other than a corporation that is a shooting club, may apply to the registrar for approval of an approved paintball range.
- (2) An application under this section must contain or be accompanied by the following:
  - (a) a certified copy of the applicant's certificate of registration under the *Business Names Act 1963*, section 7 (Registration of business names);
  - (b) details of the applicant's core business functions;
  - (c) the name, title and business address of the person nominated by the applicant to operate the range;
  - (d) the name and address of each person who is proposed to be authorised to control the activities of people on the range;
  - (e) the name and position of any employee of the entity who will be required to use or possess a paintball marker during that employment;
  - (f) a plan of the range to be operated by the applicant and a map showing the location of the range;
  - (g) a statement from the owner of the land where the range is located permitting the operator to operate the range on the land;
  - (h) a statement from the owner of the land where the range is proposed to be located acknowledging compliance with the requirements of any other Act relating to use of the land as an approved shooting range.

- (3) The registrar may, in writing, require the applicant to give the registrar additional information or documents that the registrar reasonably needs to decide the application.
- (4) If the applicant does not comply with a requirement reasonably made under subsection (3), the registrar may refuse to consider the application.

**62 Decision about paintball range approval**

- (1) On an application by a person for approval of an approved paintball range, the registrar must—
  - (a) approve the range; or
  - (b) refuse to approve the range.
- (2) However, the registrar must not approve a paintball range unless—
  - (a) the applicant for the approval is a corporation, other than a corporation that is a shooting club; and
  - (b) the applicant has nominated a person to be the paintball range operator; and
  - (c) the applicant is licensed to operate the approved paintball range; and
  - (d) the location, construction and equipment of the range are appropriate having regard to the need to protect people from death or injury and property from unlawful destruction or damage.

*Note 1* See the Act, s 274 (Licensing of entities to operate approved paintball ranges).

*Note 2* The Minister may make guidelines about the operation of paintball ranges (see Act, s 37 (4) (d)).



**63 Approved paintball ranges, period of approval—Act, s 272 (2) (l)**

A paintball range approval remains in force for 2 years, starting on the day the approval is given to the operator.

**64 Approved paintball ranges, immediate suspension of approval—Act, s 272 (2) (k)**

- (1) This section applies if the registrar—
- (a) is considering whether a ground for cancellation of the approval for the approved paintball range exists under section 65; and
  - (b) believes on reasonable grounds that there is an immediate threat of death or injury to people or a threat of unlawful damage or destruction to property if the range continues to operate.
- Note 1* The Minister may make guidelines about the making of a decision whether it is in the public interest to suspend an approval (see Act, s 37 (4) (d)).
- Note 2* If the registrar suspends an approval under this section, the registrar must give written notice of the decision to the approval holder (see s 75).
- (2) The registrar may suspend the approval of a paintball range by notice given to the operator of the range.
- (3) The registrar's notice of the suspension must—
- (a) include a statement about the effect of subsections (4) and (5); and
  - (b) state that the licensee may, before the end of a stated period, give the registrar written reasons why the approval should remain in force.

- (4) The suspension ends when the earliest of the following happens:
- (a) the registrar gives the person holding the approval a written notice revoking the suspension;
  - (b) if the approval is cancelled under this regulation or another territory law, or suspended (the *later suspension*) under another provision of this regulation or another territory law—the cancellation or later suspension takes effect;
  - (c) 12 weeks have lapsed after the day the suspension takes effect.
- (5) The operator of the range is not authorised to operate the range while the approval is suspended.

**65 Approved paintball ranges, cancellation of approval—  
Act, s 272 (2) (I)**

- (1) The registrar must cancel the approval of an approved paintball range if satisfied that—
- (a) the operator is not operating the range; or
  - (b) the operator has contravened a condition of the approval; or
  - (c) the operator has failed to conduct the approved paintball range with proper regard to the need to protect people from death or injury and property from unlawful destruction or damage; or
  - (d) the operator has contravened the Act, whether or not the operator has been convicted of an offence for the contravention; or
- Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).
- (e) the operator has been convicted of an offence relating to firearms under the law of a State, another Territory or New Zealand.

- (2) The registrar may cancel the approval of an approved paintball range if the registrar becomes aware that the operator has, within the period of 10 years before the day the approval was granted—
- (a) contravened the Act, whether or not the operator was convicted of an offence for the contravention; or
  - (b) been convicted of an offence relating to firearms under the law of a State, another Territory or New Zealand.
- (3) However, the registrar must not cancel the approval unless the registrar—
- (a) gives the operator written notice that—
    - (i) states that the registrar intends to cancel the approval; and
    - (ii) explains why the registrar intends to cancel the approval; and
    - (iii) gives the operator at least 60 days to make written submissions about the proposed cancellation; and
  - (b) considers any submission made in accordance with the notice.

## Part 15 Miscellaneous

### 66 Meaning of *spare barrel*

For this regulation, a firearm part that is a barrel is taken to be a *spare barrel* if—

- (a) if the person in possession of the barrel is a person other than a firearms dealer—the person possesses a firearm that can be used with the barrel; or
- (b) if the person in possession of the barrel is a firearms dealer—
  - (i) the dealer intends to sell the barrel with a firearm to another person; or
  - (ii) the dealer intends to sell the barrel to a person who has a firearm that can be used with the barrel.

### 67 Sporting organisations—Act, s 23, sch 2, pt 2.3, items 2 and 3

The following sporting organisations are prescribed:

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

**68 Minimum participation rates for members of approved clubs—Act, dict, def *active*, par (a)**

- (1) A member of an approved hunting club must, in each 12-month period of the person's licence, take part in 4 shooting activities of any approved hunting club that take place on separate days.
- (2) The holder of a licence mentioned in an item in table 68, column 2 who is a member of an approved shooting club, must comply with the minimum participation rate mentioned in the item, column 3.

**Table 68 Shooting club participation rates table**

column 1 item	column 2 member	column 3 minimum participation rate
1	a licence, other than a category H licence	The holder must, in each 12-month period of the person's licence, take part in at least 4 activities at any approved shooting club that take place on separate days
2	a category H licence if the Act, s 75 (Adult firearms licences—special conditions for category H licences for sport or target shooting) applies	The holder must, in each 6-month period mentioned in the Act, s 75, take part in— (a) 6 shooting competitions that are conducted or organised by an approved shooting club (the <i>member's club</i> ) of which the licensee is a member 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	a category H licence, other than if the Act, s 75 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

**69 Pistols, prescribed dimensions—Act, dict, def *pistol*, par (b)**

The prescribed dimensions are—

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

**70 Firearms, permits for theatrical and other productions—Act, s 141 (a)**

- (1) A permit may be issued if—
  - (a) a theatrical or dramatic production or 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 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 registered owner; 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) The permit does not authorise the use of ammunition other than blank ammunition in the relevant firearm.
- (3) The permit must state—
  - (a) the purpose for which it is issued; and
  - (b) the period for which it is issued.
- (4) 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.

## **71 Arms fairs, permits to conduct—Act, s 141 (a)**

- (1) A permit may be issued to authorise the use by a licensed firearms dealer of stated 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 stated in section 37 (Dealer licences, restrictions on issue—Act, s 272 (2) (e)).
- (3) A permit under subsection (1)—
  - (a) must state the time during which the dealer is authorised to hold the arms fair; and

(b) authorises anyone exhibiting on the premises during the fair to deal with the firearms exhibited in accordance with the permit-holder's firearms dealer licence.

(4) In this section:

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

**72 Firearms, permits for possession and use of tranquilliser firearms—Act, s 141 (a)**

(1) A permit may be issued for the possession and use of a tranquilliser if the possession and use is a necessary part of the applicant's occupation.

(2) A permit issued under this section authorises each person named in the permit to use a tranquilliser firearm in the ordinary course of the person's occupation.

(3) The permit must state—

(a) the purpose for which it is issued; and

(b) the period for which it is issued; and

(c) the name of each person authorised to possess and use a tranquilliser firearm under the permit.

(4) In this section:

*tranquilliser firearm* means a firearm designed for use in tranquillising, immobilising or administering vaccines or medication to an animal.



**73 Firearms, permits for possession and use of powerheads—Act, s 141 (a)**

- (1) A permit may be issued for the acquisition, possession and use of a powerhead if satisfied the applicant's acquisition, possession or use of the firearm will be for an occupational purpose or for a marine recreational purpose.
- (2) A permit issued under this section authorises each person named in the permit to use the powerhead in the ordinary course of the person's occupation.
- (3) The permit must state—
  - (a) the purpose for which it is issued; and
  - (b) the period for which it is issued; and
  - (c) the name of each person authorised to possess and use a powerhead under the permit.

**U 73A People exempt from Act—Act, s 272 (2) (r)**

A member of a police service or force of a foreign country is exempt from the Act in relation to a firearm the member possesses or uses if the possession or use is for taking part in a training activity—

- (a) conducted by the Australian Federal Police; and
- (b) carried out in the ACT.

## Part 16 Notification and review of decisions

### 74 Meaning of *reviewable decision*—pt 16

In this part:

*reviewable decision* means a decision mentioned in schedule 1, column 3 under a provision of this regulation mentioned in column 2 in relation to the decision.

### 75 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

*Note 1* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

### 76 Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

## Part 17 Transitional

### 77 Definitions—pt 17

In this part:

*commencement day* means the day this regulation commences.

*pre-commencement Act* means the *Firearms Act 1996* as in force immediately before the commencement day.

*pre-commencement regulation* means the *Firearms Regulation 1997* as in force immediately before the commencement day.

### 78 Pre-commencement Act shooting ranges

- (1) This section applies if, immediately before the commencement day, a body held an approval (the *original approval*) to operate a shooting range under the pre-commencement Act, section 14.
- (2) The original approval is taken to be an approval (the *new approval*) to operate a shooting range under this regulation, part 13 (Shooting ranges).
- (3) Any condition to which the original approval was subject under the pre-commencement Act continues to apply to the approval but may be amended under the Act.
- (4) The new approval ends on the earliest of the following:
  - (a) the day the original approval would have ended under the pre-commencement regulation;
  - (b) the day the new approval is cancelled under section 60 (Shooting ranges, cancellation of approval—Act, s 272 (2) (k));
  - (c) the day this section expires.

**79 Pre-commencement Act paint pellet ranges**

- (1) This section applies, if immediately before the commencement day, a body was authorised to operate a paint pellet range under the pre-commencement regulation, section 46.
- (2) The authorisation is taken to be an approval to operate an approved paintball range under this regulation, part 14 (Approved paintball ranges).
- (3) Any condition to which the authorisation was subject under the pre-commencement regulation continues to apply to the approval but may be amended under the Act.
- (4) The approval ends on the earliest of the following:
  - (a) the day the authorisation would have ended under the pre-commencement regulation;
  - (b) the day the approval is cancelled under section 65 (Approved paintball ranges, cancellation of approval—Act, s 272 (2) (1));
  - (c) the day this section expires.

**80 Pre-ACAT reviewable decisions**

- (1) In this section:

*ACAT commencement* means the commencement of the *ACT Civil and Administrative Tribunal Act 2008*, section 6.

*pre-ACAT decision* means a reviewable decision made before the ACAT commencement.

*reviewable decision*—see section 74.

- (2) The *ACT Civil and Administrative Tribunal Act 2008* applies to a pre-ACAT decision as if it had been made on the ACAT commencement.

**81 Transitional—modification of Act, pt 20, s 415 (2)**

The Act, part 20 applies as if the following section were inserted:

**‘416A Authorised possession or use of prohibited firearms with pistol grips for sport or target shooting**

- (1) The holder of a category B licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited firearm (other than a prohibited pistol fitted with a pistol grip) for the purposes of—
  - (a) taking part in any kind of approved shooting competition; and
  - (b) practising on an approved shooting range for the competition.
- (2) The holder of a category B licence issued for the genuine reason of sport or target shooting is authorised to possess and use a registered prohibited rifle fitted with a pistol grip for the purposes of—
  - (a) taking part in an approved specialised target shooting competition; and
  - (b) practising on an approved shooting range for the competition.
- (3) In this section:

*approved*, for a competition, means a competition that is conducted or organised by an approved shooting club the licence holder is a member of and approved by the registrar.
- (4) This section expires on the day the *Firearms Regulation 2008*, part 17 expires.’

**82 Expiry—pt 17**

This part expires 1 year after the commencement day.

## Schedule 1 Reviewable decisions

(see pt 16)

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>	<b>column 4 entity</b>
1	25 (1)	refuse application of dealer licensee to operate at premises	person whose application refused
2	37 (1)	refuse to issue firearms dealer licence	person refused licence
3	57 (1) (b)	refuse to approve shooting range	person refused approval
4	59 (2)	suspension of approval of shooting range	operator of range
5	60 (1) or (2)	cancellation of approval of shooting range	operator of range
6	62 (1) (b)	refuse to approve paintball range	person refused approval
7	64 (2)	suspension of approval of paintball range	operator of range
8	65 (1)	cancellation of approval of paintball range	operator of range

## **U** Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- financial year
- foreign country
- penalty unit (see s 133)
- police officer
- State
- the Territory
- veterinary surgeon.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Firearms Act 1996* (see Legislation Act, s 148). For example, the following terms are defined in the *Firearms Act 1996*, dict:

- buy
- category A firearm
- firearm (see s 6)
- firearms dealer
- foreign acquirer
- genuine reason
- inoperable firearm
- licence
- occupier
- paintball marker
- pistol
- possession (see s 10)
- premises
- prohibited firearm (see s 7)
- prohibited pistol
- registrar

- responsible person
- sell
- shooting gallery
- use.

**home address** means—

- (a) for a corporation—the address of its registered office or the address recorded in the registrable vehicles register as its home or business address; or
- (b) for an individual—the address of the place where the person usually lives.

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

**operator** of a range means—

- (a) for a shooting range—a person who applied for approval of the range under section 56; or
- (b) for a paintball range—a person who applied for approval of the range under section 61.

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

**reviewable decision**, for part 16 (Notification and review of decisions)—see section 74.

**spare barrel**—see section 66.

**target pistol shooter**, for part 2 (Clubs)—see section 7.



## 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

#### **Firearms Regulation 2008 SL2008-55**

notified LR 22 December 2008

s 1, s 2 commenced 22 December 2008 (LA s 75 (1))

remainder commenced 15 January 2009 (s 2 and see Firearms Amendment Act 2008 A2008-25, s 2 and LA s 79)

as amended by

#### **Firearms Amendment Regulation 2009 (No 1) SL2009-13**

notified LR 6 April 2009

s 1, s 2 commenced 6 April 2009 (LA s 75 (1))

remainder commenced 7 April 2009 (s 2)

#### **Justice and Community Safety Legislation Amendment Act 2009 (No 2) A2009-19 pt 8**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

pt 8 commences 29 September 2009 (s 2)

#### **Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.32**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 3 pt 3.32 commenced 22 September 2009 (s 2)

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Firearms, permits for possession and use of powerheads—Act, s 141 (a)**

s 73 am A2009-20 amdt 3.78

#### **People exempt from Act—Act, s 272 (2) (r)**

s 73A ins SL2009-13 s 4  
om A2009-19 s 31

#### **Definitions—pt 17**

s 77 exp 15 January 2010 (s 82)

#### **Pre-commencement Act shooting ranges**

s 78 exp 15 January 2010 (s 82)

<b>Pre-commencement Act paint pellet ranges</b>	
s 79	<u>exp 15 January 2010 (s 82)</u>
<b>Pre-ACAT reviewable decisions</b>	
s 80	<u>exp 15 January 2010 (s 82)</u>
<b>Transitional—modification of Act, pt 20, s 415 (2)</b>	
s 81	<u>exp 15 January 2010 (s 82)</u>
<b>Expiry—pt 17</b>	
s 82	<u>exp 15 January 2010 (s 82)</u>
<b>Repeals</b>	
pt 18 hdg	om LA s 89 (3)
<b>Repeals</b>	
s 83	om LA s 89 (3)
<b>Dictionary</b>	
dict	am SL2009-13 s 5; <u>A2009-19 s 32</u> def <b>reviewable decision</b> ins A2009-20 amdt 3.79

## 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. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 15 Jan 2009	15 Jan 2009– 6 Apr 2009	not amended	new regulation
R2 7 Apr 2009	7 Apr 2009– 21 Sept 2009	SL2009-13	amendments by SL2009-13

## Endnotes

6 Uncommenced amendments

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### 6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<b>Justice and Community Safety Legislation Amendment Act 2009 (No 2) A2009-19 pt 8</b>
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## Part 8 Firearms Regulation 2008

### 30 Legislation amended—pt 8

This part amends the *Firearms Regulation 2008*.

### 31 People exempt from Act—Act, s 272 (2) (r) Section 73A

*omit*

### 32 Dictionary, note 2, 2nd dot point

*omit*

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