



Australian Capital Territory

Firearms Regulations

Subordinate Law No. 13 of 1997

TABLE OF PROVISIONS

Regulation

PART I—PRELIMINARY

1. Citation
2. Commencement
3. Interpretation
4. Not firearms

PART II—LICENCES

Division 1—General provisions

5. Category C licences
 6. Applications for licences—particulars and documents
 7. Government agencies—vertebrate pest animal control
 8. Category C licences—restrictions on issue
 9. Rendering firearm incapable of being fired
 10. Terms of licences
-

TABLE OF PROVISIONS—continued

Regulation

Division 2—Conditions of licences

11. Category A, category B, category C or category H
12. Category H licences for business
13. Category H licences for employment
14. Composite entity licences
15. Firearms dealer licences
16. Club armourers
17. Collectors licences
18. Heirlooms licences

Division 3—Firearms dealer licences

19. Restrictions on issue
20. Recording transactions
21. Additional requirements for licensed firearms dealers

PART III—PERMITS

22. Theatrical and other productions
23. Authorisation of visiting international licensed shooters
24. Authorisation of possession and use of tranquilliser firearms
25. Acquisition, possession and use of powerheads
26. Arms fairs
27. Acquisition and possession of war souvenirs
28. Prescribed offences
29. Applications for permit
30. Photograph on permits
31. Minors firearms

PART IV—REGISTRATION

32. Register of firearms
33. Registration of firearms
34. Unregistered firearms
35. Requirements relating to registered firearms

PART V—SAFE KEEPING OF FIREARMS

Division 1—Security and safe storage

36. Category A and category B licences
37. Category C, category D and category H licences
38. Collectors of firearms—category A and category B firearms
39. Collectors of firearms—category C, category D and category H firearms
40. Firearms dealer licences

TABLE OF PROVISIONS—continued

Regulation

Division 2—Displays

- 41. Permanent displays
- 42. Temporary displays
- 43. Wall displays

PART VI—EXEMPTIONS

- 44. Certain persons
- 45. Australian Defence Industries Pty Ltd, officers and employees
- 46. Paint pellet guns
- 47. Lending for competition

PART VII—MISCELLANEOUS

- 48. Dimensions of pistols
- 49. Prescribed sporting organisations
- 50. Approval of ranges
- 51. Restrictions on sale and purchase of firearms
- 52. Transporting prohibited firearms or pistols
- 53. Shortening firearms
- 54. Identification of firearms
- 55. Government agencies—obligations
- 56. Government agencies—employee obligations
- 57. Registers maintained by employers



Australian Capital Territory

Firearms Regulations

Subordinate Law No. 13 of 1997¹

The Australian Capital Territory Executive makes the following Regulations under the *Firearms Act 1996*.

Dated 16 May 1997.

KATE CARNELL
Minister

GARY HUMPHRIES
Minister

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Firearms Regulations.

Commencement

2. These Regulations commence on the day on which section 4 of the *Firearms Act 1996* commences.

Interpretation

3. (1) In these Regulations, unless the contrary intention appears—

“Act” means the *Firearms Act 1996*;

“government agency” means a public authority, government department or any other person or body determined by the Registrar to be a person or body to whom this definition applies;

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

“reserved area” has the same meaning as in the *Nature Conservation Act 1980*.

- (2) In these Regulations, a reference to a category A, category B, category C, category D or category H firearm shall be read as a reference to a firearm to which the corresponding category of licence applies.

Not firearms

4. For the purpose of the definition of “firearm” in subsection 4 (1) of the Act the following are declared not to be firearms:

- (a) a firearm manufactured before 1 January 1900 for which ammunition is not readily commercially available;
- (b) an explosive-powered tool within the meaning of Part IXA of the Regulations under the *Scaffolding and Lifts Act, 1912-1948* of the State of New South Wales in its application in the Territory;
- (c) a heavy bench mounted rifle used for experimental purposes that is of a kind approved by the Registrar;

- (d) a tool designed to be used to split or break rock or concrete by means of the firing of an explosive cartridge an example of which is the tool known as the “Boulder Buster”;
- (e) 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 an example of which is the tool known as the “Slag Buster Kiln Gun”;
- (f) a captive bolt gun of the kind designed for use in an abattoir in the humane killing of livestock.

PART II—LICENCES

Division 1—General provisions

Category C licences

5. (1) Notwithstanding subsection 18 (2) of the Act, a category C licence may authorise the possession and use of a prohibited firearm (other than a firearm referred to in item 6, 10 or 11 of Schedule 1 to the Act) for the purposes of a shooting competition if—

- (a) the applicant—
 - (i) on 15 November 1996—
 - (A) possessed a semi-automatic or pump action shotgun for use in clay target competition; and
 - (B) was a member of a club affiliated with the Australian Clay Target Association; and
 - (ii) is a member of a club affiliated with the Australian Clay Target Association; or
- (b) the application is supported in writing by a statement from an officer of a club affiliated with the Australian Clay Target Association that satisfies the Registrar that the applicant is physically unable to compete in clay target competition unless he or she uses a semi-automatic or pump-action shotgun.

(2) A person who has been granted a category C licence that authorises him or her to possess and use a prohibited firearm (other than a firearm referred to in item 6, 10 or 11 of Schedule 1 to the Act) for the purposes of

a shooting competition shall not fail to take part in at least 4 clay target competitions organised by a club affiliated with the Australian Clay Target Association in each calendar year.

(3) A person who is granted a category C licence that authorises him or her to possess and use a prohibited firearm (other than a firearm referred to in item 6, 10 or 11 of Schedule 1 to the Act) for the purposes of a shooting competition shall not use that firearm except—

- (a) on an approved range;
- (b) in accordance with the rules of the relevant club affiliated with the Australian Clay Target Association; and
- (c) for the purposes of a shooting competition or of practice for such a competition.

Penalty for contravention of subregulations (2) and (3): 10 penalty units.

Applications for licences—particulars and documents

6. (1) For the purposes of paragraph 19 (2) (c) of the Act the following particulars and documents are prescribed:

- (a) a document of the following type that shows the applicant's residential address:
 - (i) a rates assessment notice given to the applicant in accordance with section 14 of the *Rates and Land Tax Act 1926* that is dated no earlier than 6 months before the date of the application;
 - (ii) a telephone bill or account that is dated no earlier than 6 months before the date of the application;
 - (iii) an electricity account that is dated no earlier than 6 months before the date of the application;
 - (iv) a current lease agreement that is dated no earlier than 12 months before the date of the application;
 - (v) a statement from a financial institution that is dated no earlier than 6 months before the date of the application;

- (b) in relation to an applicant for the renewal of a category A, category B or category H licence where—
 - (i) the genuine reason for possessing or using the firearm is for sport or target shooting; and
 - (ii) the application does not carry the stamp of an approved club signed by the club's senior instructor;
a document signed by an approved club's senior instructor confirming that the applicant is a current financial member of the club;
- (c) in relation to an applicant for a category A or category B licence where the genuine reason for possessing or using the firearm is recreational hunting or vermin control on specified rural land—
 - (i) the written authority of the owner or occupier of the land to hunt or to control vermin on the land;
 - (ii) the name and address of the owner or occupier of the land;
 - (iii) the contact telephone number of the owner or occupier;
 - (iv) the name (if any), location and size of the land;
 - (v) what the applicant is allowed to hunt or control; and
 - (vi) dates on which the applicant has permission to hunt or control;
- (d) in relation to an application for a category A or category B licence where the genuine reason for possessing or using the firearm is recreational hunting or vermin control on land within a reserved area—an original permit or licence to shoot within the area, or a certified copy of that permit or licence;
- (e) in relation to an applicant for a category A or category B licence where the genuine reason for possessing or using the firearm is primary production—
 - (i) the name (if any), location and size of the land the applicant uses for primary production;
 - (ii) documentation that demonstrates that—

- (A) the applicant's occupation is the business of a primary producer; or
 - (B) the applicant is the owner, lessee or manager of land used for primary production; and
 - (iii) a statement signed by the applicant to the effect that he or she intends to use the firearm solely in connection with farming or grazing activities;
- (f) in relation to a category C licence where the genuine reason for possessing or using the firearm is primary production—
- (i) a signed statement by the applicant to the effect that—
 - (A) the applicant has a genuine occupational need to use a category C firearm by reason of his or her occupation related to primary production;
 - (B) the occupational need cannot be satisfied by the use of a firearm that is not prohibited; and
 - (C) the applicant will not use the firearm to which the application relates except in connection with primary production; and
 - (ii) particulars or relevant documents (if any) that support the statements in sub-subparagraphs (i) (A) and (B);
- (g) in relation to an applicant for a category C or category D licence where the genuine reason for possessing or using the firearm is vertebrate pest animal control—
- (i) a statement signed by the applicant to the effect that—
 - (A) the applicant has a genuine occupational need to use a category C or category D firearm for the purposes of vertebrate pest animal control;
 - (B) the occupational need cannot be satisfied by the use of a firearm that is not prohibited; and
 - (C) the applicant will not use the firearm to which the application relates except in connection with primary production or the genuine occupational

need or for the purpose of protecting the environment from the affects of vertebrate pest animals; and

- (ii) particulars or relevant documents (if any) that support the statements in sub-subparagraphs (i) (A) and (B);
- (h) in relation to an applicant for a category H licence where the genuine reason for possessing or using the firearm is business—
 - (i) a statement signed by the applicant to the effect that—
 - (A) in the ordinary course of the applicant's business the applicant receives, carries or escorts not less than the prescribed value of money or valuables at not less than the prescribed frequency;
 - (B) the applicant intends to continue carrying on the business for the next 12 months; and
 - (C) the applicant has passed an examination in the safe handling and use of a category H firearm conducted by an authorised instructor; and
 - (ii) particulars or relevant documents (if any) supporting the applicant's statements;
- (j) in relation to an initial application for a category H licence where the genuine reason for possessing or using the firearm is employment by a security business—a certificate from the person in charge of a security business stating—
 - (i) that the applicant is employed, or is to be employed, by the business and will be required to possess a category H firearm in the course of that employment;
 - (ii) whether the applicant will be required to wear a uniform or not; and
 - (iii) whether the applicant will be required to carry the firearm concealed or whether it will be visible to the public;
- (k) in relation to an application for the renewal of a category H licence where the genuine reason for possessing or using the firearm is employment by a security business—

- (i) a certificate from a person in charge of a security business that employs the applicant stating that the particulars provided in relation to the initial application for the licence are still correct or, if they are not, how they have changed; and
 - (ii) a document that establishes that the applicant has passed an examination in the safe handling and use of a category H firearm conducted by an authorised instructor within the period of 90 days immediately prior to the date of the application;
- (m) in relation to an initial application for a category A or category B licence where the genuine reason for possessing or using the firearm is employment by other than a security business—
- (i) the name of the employer and a description of the business of the employer; and
 - (ii) a statement signed by or on behalf of the employer to the effect that—
 - (A) the employer employs or intends to employ the applicant; and
 - (B) the applicant will be required to use or possess a category A or category B firearm in the course of that employment;
- (n) in relation to an application for the renewal of a category A or category B licence where 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;
- (o) in relation to an applicant for a category C licence where the genuine reason for possessing or using the firearm is employment (other than by a security business) or occupational requirements relating to rural purposes—
- (i) a statement signed by the applicant to the effect that—

- (A) the applicant has a genuine occupational need to use a category C firearm that, if relevant, relates to rural purposes;
 - (B) the need cannot be satisfied by using a firearm that is not prohibited; and
 - (C) the firearm will be used solely in connection with the applicant's occupation; and
- (ii) particulars or documents (if any) supporting sub-paragraphs (i) (A) and (B);
- (p) in relation to an initial application for a category A or category B licence where the genuine reason for possessing or using the firearm is occupational requirements relating to rural purposes—
- (i) a signed statement from a person to the effect that—
 - (A) the applicant is employed by the person in a rural occupation; and
 - (B) for the purposes of that employment the applicant is required to use or possess a category A or category B firearm;
 - (ii) the name (if any), location and size of any property on which the applicant will be employed; and
 - (iii) the approximate hours and days on which the applicant will be employed;
- (q) in relation to an application for the renewal of a category A or category B licence where 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;
- (r) in relation to an initial application for a category A or category B licence where the genuine reason for possessing or using the firearm is animal welfare and the applicant is a prescribed person—

- (i) particulars of the location where the applicant is employed or works; and
 - (ii) a statement signed by the applicant's employer or, if the applicant is not employed by another person, by the applicant stating that the applicant is required to possess a firearm for the purposes of his or her occupation;
- (s) in relation to an application for the renewal of a category A or category B licence where 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;
- (t) in relation to an applicant whose genuine reason for possessing or using a firearm is firearms collection—
- (i) a document that establishes that the applicant is a member of a collectors club or association approved by the Registrar; and
 - (ii) particulars that demonstrate that the applicant's collection has significant commemorative, thematic or investment value;
- (u) in relation to an application for a category A or category B licence by a composite entity that carries on business in the Territory as a security organisation—
- (i) a certified copy of the certificate of registration of business name issued in respect of it under section 7 of the *Business Names Act 1963*;
 - (ii) particulars of the core functions of the business carried on by the entity;
 - (iii) particulars of why the entity needs to possess firearms and the number and type of firearms required;

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

Government agencies—vertebrate pest animal control

7. For the purposes of paragraph (b) of the item relating to vertebrate pest animal control in the table to subsection 23 (4) of the Act, the Department of Urban Services is prescribed.

Category C licences—restrictions on issue

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

Rendering firearm incapable of being fired

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

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

Terms of licences

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

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

Division 2—Conditions of licences

Category A, category B, category C or category H

11. For the purposes of subsection 36 (3) of the Act it is a condition of a category A, category B, category C and category H licence where the genuine reason for possessing or using the firearm is sport, target shooting, recreational hunting or vermin control that the licensee ensure that, within 30 days of the end of each calendar year, the Registrar is provided with

written evidence from an approved club that satisfies the Registrar that the licensee is a financial member and an active member of the club.

Category H licences for business

12. (1) For the purposes of subsection 36 (3) of the Act the following conditions are prescribed in relation to a category H licence where the genuine reason is business:

- (a) the licensee shall pass an examination in the safe handling and use of a category H firearm conducted by an authorised instructor at least once in every 12 month period for which the licence is in force;
- (b) the licensee shall, within 7 days after the expiration of the prescribed period, give the Registrar a written report containing particulars of the occasions on which the firearm was carried in connection with the business within the prescribed period;
- (c) the licensee shall not possess more than 1 category H firearm.

(2) For the purposes of paragraph (1) (b) the period of 6 months commencing on the day on which the licence is issued and each successive period of 6 months are prescribed.

Category H licences for employment

13. For the purposes of subsection 36 (3) of the Act the following conditions are prescribed in relation to a category H licence where the genuine reason is employment:

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

Composite entity licences

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

Firearms dealer licences

15. (1) For the purposes of subsection 36 (3) of the Act the condition prescribed in relation to a firearms dealer licence is that the licensee shall not operate as a firearms dealer at premises other than the premises specified in the licence unless the Registrar has approved a written application from the licensee to do so or unless otherwise authorised.

(2) The Registrar shall assess an application referred to in subregulation (1) as if it were an application for a firearms dealer licence and may refuse to approve the application accordingly.

Club armourers

16. For the purposes of subsection 36 (3) of the Act the following conditions are prescribed in relation to a firearms dealer licence where the licensee has been issued the licence for the purpose of being a club armourer:

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

Collectors licences

17. For the purposes of subsection 36 (3) of the Act the following conditions are prescribed in relation to a collectors licence:

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

Heirlooms licences

18. (1) For the purposes of subsection 36 (3) of the Act the following conditions are prescribed in relation to an heirlooms licence:

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

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

Division 3—Firearms dealer licences

Restrictions on issue

19. (1) The Registrar shall refuse to issue a firearms dealer licence to an applicant unless satisfied that—

- (a) the applicant is carrying on, or intends to carry on, the business of a firearms dealer at the relevant premises specified in the application; and
- (b) those premises are suitable for carrying on the business of a firearms dealer.

(2) In considering whether premises are suitable for the purposes of paragraph (1) (b), the Registrar shall have regard to the following considerations:

- (a) the nature of the activities conducted, or proposed to be conducted, on the premises;
- (b) the types of firearms to which the licence relates;
- (c) whether adequate provision has been made for the safe-keeping of firearms by means of safes, strongrooms or some other method;

- (d) the security of the premises against unauthorised entry;
- (e) in relation to 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.

Recording transactions

20. For the purposes of paragraph 68 (2) (e) of the Act the following particulars are prescribed:

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

Additional requirements for licensed firearms dealers

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

(2) Where the Registrar serves notice on a licensed firearms dealer, the licensee shall produce for inspection by a police officer in accordance with the notice any firearm to which the licence relates (other than a category A or category B firearm).

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

(4) Where a sale is made through a licensed firearms dealer the dealer shall make a record as if the dealer had sold the firearm.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

PART III—PERMITS

Theatrical and other productions

22. (1) The Registrar may authorise the possession or use of a firearm by permit if—

- (a) a theatrical or dramatic production or an historical re-enactment in which a firearm is used is being staged by a theatrical, dramatic or historical society;
- (b) the person to whom the permit is to be issued is a performer in, or a member of the society staging, the production or re-enactment;
- (c) the person possesses the firearm for the purposes of the production or re-enactment; and
- (d) the firearm is—
 - (i) lent or let on hire for the purpose of the production or re-enactment by a person on whose licence the firearm is registered;
 - (ii) registered or endorsed on the licence of a person referred to 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 that firearm under the law of that State or Territory.

(2) A permit issued in accordance with subregulation (1) does not authorise the use of ammunition other than blank ammunition in the relevant firearm.

(3) Where the Registrar issues a permit by virtue of subregulation (1), the Registrar shall ensure that the purpose for which the permit is issued is endorsed on it.

Authorisation of visiting international licensed shooters

23. The Registrar may authorise the possession and use of a firearm by permit if satisfied that the applicant—

- (a) is a visitor to the Territory;
- (b) is normally resident in a country other than Australia; and
- (c) is licensed, or otherwise authorised, under the law of that country to possess and use the type of firearm in relation to which a permit is sought.

Authorisation of possession and use of tranquilliser firearms

24. (1) The Registrar may authorise the possession and use of a tranquilliser firearm by permit if satisfied that the possession and use is a necessary part of the occupation of the applicant.

(2) A permit to possess and use a tranquilliser firearm authorises the person named in it to use the firearm only in the ordinary course of the person's occupation.

(3) A permit to possess and use a tranquilliser firearm may authorise persons other than the applicant to possess and use a tranquilliser firearm and where it does so, each authorised person shall be specified in the permit.

(4) In subregulation (1)—

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

Acquisition, possession and use of powerheads

25. (1) The Registrar may issue a permit for the acquisition, possession or use of a device commonly known as a powerhead if satisfied that the applicant's acquisition, possession or use of the device will be for an occupational purpose or for a marine recreational purpose.

(2) A permit to acquire, possess or use a device commonly known as a powerhead may authorise persons other than the applicant to acquire, possess or use the device and where it does so, each authorised person shall be specified in the permit.

Arms fairs

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

(2) In considering whether premises are suitable for the purposes of subregulation (1), the Registrar shall have regard to the considerations specified in subregulation 19 (2).

(3) A permit under subregulation (1)—

- (a) shall specify the time during which the arms dealer is authorised to hold the arms fair; and
- (b) authorises any person exhibiting on the premises during the fair to deal with the firearms exhibited in accordance with the firearms dealer licence of the permit holder.

(4) In this regulation—

“arms fair” means a fair at which firearms and related items are exhibited and dealt with in accordance with the firearms dealer licence of the permit holder.

Acquisition and possession of war souvenirs

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

Prescribed offences

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

Applications for permit

29. (1) For the purposes of subsection 47 (1) of the Act, the prescribed manner of making an application is by lodging it personally at the Firearms Registry.

(2) The Registrar may refuse to issue a permit if not satisfied as to the identity of the applicant.

Photograph on permits

30. A permit shall, unless otherwise determined by the Registrar, contain a recent photograph of the person to whom it is issued (such photograph being obtained in accordance with arrangements determined by the Registrar).

Minors firearms

31. For the purposes of paragraph 49 (2) (a) of the Act the age of 12 years is prescribed.

PART IV—REGISTRATION

Register of firearms

32. The following information is required to be included in the Register in relation to each registered firearm:

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

Registration of firearms

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

Unregistered firearms

34. For the purposes of subsection 53 (2) of the Act the period of 7 days is prescribed.

Requirements relating to registered firearms

35. (1) Particulars of the sale, loss or theft of a firearm to be provided to the Registrar shall be in writing and include the following:

- (a) in the case of a firearm that has been sold—the date of the sale and the name and licence details of the licensed firearms dealer or other person to whom the firearm was sold;
- (b) in any other case—the date of the loss or theft, the circumstances of the loss or theft and particulars relating to the identification of the firearm.

(2) For the purposes of subsection 54 (2) of the Act the following particulars are prescribed:

- (a) either—
 - (i) the make and serial number of the firearm acquired; or
 - (ii) the identifying number allotted to the firearm by the Registrar;
- (b) the identifying number of any spare barrel for the firearm;
- (c) the number of the licence or permit authorising the person who acquired the firearm to possess it;
- (d) the number of the person's permit to acquire the firearm;
- (e) the name and address of the person from whom the firearm was acquired;
- (f) the date of acquisition.

PART V—SAFE KEEPING OF FIREARMS

Division 1—Security and safe storage

Category A and category B licences

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

Category C, category D and category H licences

37. (1) For the purposes of paragraph 64 (1) (c) of the Act, the installation of an intruder alarm is prescribed in relation to the security and safe storage of a category D firearm by a person holding a category D licence.

(2) An intruder alarm referred to in subregulation (1) shall—

(a) include—

- (i)** a space movement detector that uses a microwave, passive infra-red, ultrasonic or similar system of detection; and
- (ii)** an external noise maker that sounds when the alarm is activated; and

(b) be connected to the mains power with a battery backup in case of power failure.

Collectors of firearms—category A and category B firearms

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

(2) Where not more than 10 category A or category B firearms are specified in the licence—

- (a)** the firearms shall be kept in a metal lockable container (being a “Brownbuilt” or similar type) and the firing mechanisms shall be kept in a separate lockable metal drawer or container which may be external or internal to the metal lockable container; or

- (b) the firearms shall be kept in a security container that is constructed of a recognised hardwood and lined with steel sheeting, the door of which is fitted with metal hinges and either—
 - (i) an appropriate deadlock; or
 - (ii) 2 sliding bolts fitted with padlocks of an appropriate strength.

(3) If a container referred to in subregulation (2) (other than a container for firing mechanisms) weighs less than 150 kg when empty, it shall be fixed to the floor or wall with no fewer than 2 appropriate anchor bolts.

(4) Where more than 10 category A or category B firearms are specified in the licence—the firearms shall be stored in a metal safe or a concrete or brick safe of a type described in subregulation 39 (3).

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

39. (1) A person who holds a collectors licence shall ensure that the category C, category D and category H firearms specified in the licence are kept in accordance with this regulation.

(2) The firearms shall be kept in a metal safe or a concrete or brick safe.

(3) A safe referred to in subregulation (2) shall—

- (a) in the case of a metal safe—
 - (i) be constructed of structural grade mild steel that conforms with Australian Standard 3678:1996 grade 250 and is not less than 3 mm thick; and
 - (ii) be constructed with continuous welding of all edges;
- (b) in any other case—be constructed of reinforced concrete, double brick or reinforced besser blocks that are not less than 140 mm thick;
- (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 3 mm 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 1 mm;
- (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;
 - (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 referred to in subregulation (2) shall be mounted on a wall or on the floor as follows:
- (a) if mounted on brick—the safe shall be attached by at least 2 Loxin anchor type high tensile bolts with a diameter of 52 mm x 16 mm and a 10 mm thread;
 - (b) if mounted on concrete or stone—the safe shall be attached by at least 2 Dyna type bolts and expanding anchors with a diameter of 70 mm x 12 mm and a 10 mm 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 shall be attached flush against the timber or plaster surfaces by 2 steel hexagonal head coach screws that are not less than 8 mm in diameter x 50 mm 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 shall be recessed in such a way that there is no air space between

the surfaces and the container, with the rear bottom edge of the container being recessed into skirting board.

(5) A locking mechanism referred to in paragraph (3) (e) shall 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.

Firearms dealer licences

40. (1) A firearms dealer shall ensure that any firearm in his or her possession is stored in accordance with this regulation.

(2) A category A or category B firearm may be on permanent display if—

- (a) it is locked securely in a padlocked rack which is permanently attached to a wall;
- (b) it is securely attached to the rack by means of a stainless steel cable that—
 - (i) is not less than 3 mm in diameter;
 - (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 5 mm in diameter, is fixed to the rack with padlocks of appropriate strength at each end.

(3) A category C or category H firearm shall, unless being inspected by a customer, be securely locked in a metal safe or a concrete or brick safe of a type described in subregulation 39 (3).

(4) Any perimeter doors of premises on which any firearms are stored shall 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 on which any firearms are stored shall be fitted with a security grille.

(6) The premises on which any firearms are stored shall 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 noise maker that sounds when the alarm is activated;
- (b) is connected to the mains power with a battery backup in case of power failure; and
- (c) in the case of premises that include a shopfront—is monitored directly by a private security company.

Division 2—Displays

Permanent displays

41. (1) A licensee shall not display a firearm for a period greater than 30 days unless the display complies with the requirements specified in this regulation or regulation 43.

(2) A firearm shall not be displayed other than in a cabinet—

- (a) that is lockable;
- (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 7.5 mm thick and is laminated.

(3) A firearm shall be securely fixed in the cabinet by means of a stainless steel cable that—

- (a) is not less than 3 mm in diameter;
- (b) is securely attached to the side or bottom of the cabinet;
- (c) passes through the trigger guard; and
- (d) is fixed at the end that is not attached to the cabinet by a padlock of an appropriate strength.

(4) If practicable, the bolt or firing mechanism shall be removed from the firearm.

(5) A firearm shall not be displayed on premises if the licensee, the owner and any lawful occupier of the premises on which the firearm is displayed will be absent from the premises for a period of more than 72 hours.

Temporary displays

42. (1) A licensee shall not display a firearm for a period of 30 days or less unless the display complies with the requirements specified in this regulation or regulation 43.

(2) The firearm shall be displayed on a solid wood or metal bench.

(3) The firearm shall be securely fixed to the bench by means of a stainless steel cable that—

- (a) is not less than 3 mm in diameter;
- (b) passes through the trigger guard of the firearm; and
- (c) is fixed to the bench by a padlock of an appropriate strength.

(4) If practicable, the bolt or firing mechanism shall be removed from the firearm.

(5) If fewer than 6 firearms are on display, a person with an appropriate licence for each category of firearm displayed shall be present at all times when the firearms are displayed.

(6) If more than 6 firearms are on display, 2 persons, each of whom has an appropriate licence for each category of firearm displayed, shall be present at all times when the firearms are displayed.

Wall displays

43. (1) A firearm shall not be displayed on a wall except in accordance with this regulation.

(2) The firearm shall be permanently inoperable in accordance with the Registrar's guidelines.

(3) The firearm shall 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 8 mm in diameter and 50 mm 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 referred to in subregulation (3) shall be fixed to the wall as follows:
 - (a) if mounted on brick—the frame shall be attached by at least 2 Loxin anchor type high tensile bolts with a diameter of 52 mm x 16 mm and a 10 mm thread;
 - (b) if mounted on concrete or stone—the frame shall be attached by at least 2 Dyna type bolts with a diameter of 70 mm x 12 mm and a 10 mm thread and expanding anchors;
 - (c) if mounted on wall studs—it shall be attached flush against the timber or plaster surfaces by 2 steel hexagonal head coach screws that are not less than 8 mm in diameter and 50 mm in length.
- (5) The firearm shall not be mounted less than—
 - (a) 2 metres above ground level if mounted in a private residence; or
 - (b) 3 metres above ground level if mounted in other than a private residence.

PART VI—EXEMPTIONS

Certain persons

44. (1) An inspector within the meaning of the *Dangerous Goods Act 1984* does not require authorisation by licence or permit to be in possession of or to use a prohibited firearm referred to in item 15 of Schedule 1 to the Act during the ordinary course of his or her duties as an inspector.

- (2) An officer or employee of—
 - (a) Environment Australia;
 - (b) ACT Parks and Conservation;
 - (c) the Australian National University; or
 - (d) the University of Canberra;

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

Australian Defence Industries Pty Ltd, officers and employees

45. (1) The requirements of the Act do not apply to—

- (a) Australian Defence Industries Pty Ltd;
- (b) an officer of Australian Defence Industries Pty Ltd acting in that capacity; or
- (c) an employee of Australian Defence Industries Pty Ltd acting in that capacity;

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

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

Paint pellet guns

46. (1) The Minister may, by notice in the *Gazette*, authorise a body to operate a paint pellet range.

(2) The Minister shall not authorise a body under subregulation (1) unless—

- (a) its business name is registered under section 7 of the *Business Names Act 1963*;
- (b) the Registrar has notified the Minister in writing that the Registrar is satisfied that the body would be a fit and proper person to hold a licence; and
- (c) the Minister is satisfied that it is in the public interest to do so.

(3) An authorised body is exempt from the requirements of the Act relating to the manufacture, possession and use of a firearm that is a paint pellet gun in the appropriate circumstances specified in subregulation (6).

(4) An employee of an authorised body is exempt from the requirements of section 16 of the Act, to the extent that that section

prohibits the possession and use of a firearm that is a paint pellet gun, in the circumstances specified in subregulation (7).

(5) A person participating in a paint pellet game conducted by an authorised body is exempt from the requirements of section 16 of the Act, to the extent that that section prohibits the possession and use of a firearm that is a paint pellet gun, in the circumstances specified in subregulation (8).

(6) For the purposes of subregulation (3) the circumstances are—

- (a) in relation to manufacture, importation, acquisition or possession of a paint pellet gun—that the dealing would not result in the authorised body possessing more than the number of such firearms possession of which by the body has been approved in writing by the Registrar;
- (b) in relation to possession and use of a paint pellet gun—
 - (i) that, when not in use, the firearm is stored securely in a manner approved by the Registrar;
 - (ii) that the firearm bears, in a permanent form, an identification number of which the Registrar has been notified;
 - (iii) that the firearm is used on a paint pellet range;
 - (iv) that no person under 18 years of age is given possession of such a firearm;
 - (v) that no person apparently under the influence of alcohol or drugs is given possession of such a firearm; and
 - (vi) the Registrar is satisfied that any person who supervises or instructs persons in the use of such a firearm is suitably qualified; and
- (c) in relation to sale, exportation or other disposition of a paint pellet gun—that any dealing with the firearm is approved in writing by the Registrar.

(7) For the purposes of subregulation (4) the circumstances are that the firearm is in the employee's possession in the course of employment with the authorised body, being employment related to the organisation or supervision of a paint pellet game.

- (8) For the purposes of subregulation (5) the circumstances are—
- (a) that the firearm is in the person's possession with the knowledge and approval of the authorised body; and
 - (b) that the person is participating, within the rules of the game, in a paint pellet game conducted by the body.

(9) In this regulation—

“authorised body” means a body authorised under subregulation (1);

“paint pellet gun” means a firearm capable of discharging by any means a paint or dye marking pellet;

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

Lending for competition

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

PART VII—MISCELLANEOUS

Dimensions of pistols

48. For the purposes of paragraph (b) of the definition of “pistol” in subsection 4 (1) of the Act the prescribed dimensions are—

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

Prescribed sporting organisations

49. For the purposes of subparagraphs 6 (2) (d) (i) and (ii) of the Act the following sporting organisations are prescribed:

- (a) ACT Athletics Inc.;

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

Approval of ranges

50. Where the Registrar approves a range in accordance with subsection 14 (2) of the Act, that approval is valid for a period of 2 years commencing on the date on which the approval occurs.

Restrictions on sale and purchase of firearms

51. For the purposes of paragraph 84 (1) (b) of the Act, a sale shall be taken to have been arranged through a licensed firearms dealer if—

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

Transporting prohibited firearms or pistols

52. For the purposes of section 90 of the Act the following safety requirements are prescribed:

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

Shortening firearms

53. For the purposes of section 95 of the Act, a firearm referred to in paragraph 100 (2) (a), (b) or (c) of the Act shall only be taken to be

shortened if it has the characteristics referred to in subsection 100 (3) of the Act.

Identification of firearms

54. (1) The Registrar may, by notice in writing served on a person who has possession of a firearm or a spare barrel of a different calibre from the firearm with which it is used, allot a number in respect of the firearm or spare barrel.

(2) A person shall not have possession of a firearm, or a spare barrel of a different calibre from the firearm with which it is used, for which a number has been allotted under subregulation (1) unless that number is imprinted on the firearm or barrel.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

(3) In subregulation (2)—

“imprinted”—

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

Government agencies—obligations

55. (1) Where an employee of a government agency holds a licence or permit authorising possession or use of a firearm for the purposes of his or her employment with the agency the agency or, if the agency is not a corporation, the chief executive of the agency shall ensure that—

- (a) this regulation is complied with; and
- (b) the employee complies with subregulation 56 (2).

(2) A firearm to which this regulation applies—

- (a) shall be secured in such a manner as to reasonably prevent its removal other than by an employee authorised to possess it; and
 - (b) shall not be in the possession of an employee who is not authorised to possess it.
- (3) The obligations in this regulation are in addition to any other obligation contained in these Regulations.

Government agencies—employee obligations

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

Penalty: 10 penalty units.

(2) An employee to whom this regulation applies shall undertake a course in firearms safety training approved by the Registrar for the purposes of this regulation at least once a year.

(3) Unless otherwise authorised in writing by the Registrar, an employee to whom this regulation applies shall return the relevant firearm to the employer's store of firearms at the end of each period of duty by the employee.

(4) The firearm, when in the possession of the employee and not in use, shall be carried in a holster worn by the employee.

(5) A holster referred to in subregulation (4)—

- (a) shall be of a shape and size suitable for the shape and size of the firearm;
- (b) when worn in conjunction with a belt, shall be securely attached to the belt;
- (c) if concealed by clothing—may be of a type approved by the Registrar that allows free access to the firearm; and
- (d) if not concealed by clothing—shall—
 - (i) have a thumb-break safety strap, the trigger shall not be exposed and it shall be of a type approved by the Registrar; or

- (ii) have a complete covering flap that conceals the firearm from view.

(6) The Registrar shall not authorise an employee to possess a firearm when not on duty unless satisfied that the firearm will be stored in accordance with the Act.

(7) A written authorisation for an employee to possess a firearm when not on duty is subject to the following conditions:

- (a) when being transported to and from the place of employment the firearm shall be carried by the employee;
- (b) when the employee is not on duty the firearm shall be stored at the employee's place of residence;
- (c) the employee shall comply with the requirements of Part V of the Act in relation to the firearm.

Registers maintained by employers

57. (1) Where a person employs employees who are authorised by licence or permit to possess a firearm for the purpose of that employment, the person shall establish and maintain in a form approved by the Registrar—

- (a) a register that contains—
 - (i) in relation to each relevant firearm particulars of its acquisition, servicing and disposal (if any); and
 - (ii) particulars of the acquisition and disposal of ammunition by the employer; and
- (b) a register of names of each relevant employee and the period for which he or she has or had possession of a relevant firearm.

(2) Each register referred to in subregulation (1) shall be maintained in the following manner:

- (a) it shall have not less than 100 pages, each of which has a machine printed heading and machine printed consecutive number;
- (b) the pages shall be bound so as to prevent their easy removal;
- (c) each entry is to be made in black or blue ink;

- (d) any alteration shall be made by interlineation or striking out, not by erasure;
- (e) no page shall be removed.
- (3)** An employer shall—
 - (a) ensure that each register is kept in a safe place (other than with any firearm to which it relates) at the place of employment;
 - (b) keep each register for not less than 3 years after the date of the last entry in the register; and
 - (c) ensure that the relevant entry is made in the relevant register—
 - (i) within 24 hours after the acquisition, servicing or disposal of a firearm; and
 - (ii) at the time when a firearm or some ammunition is transferred from the employer to an employee and when it is returned to the employer.
- (4)** An employer shall comply with the requirements of this regulation.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

(5) In this regulation, a reference to an employer shall be taken to include a reference to a government agency or, in relation to a government agency that is not a corporation, the chief executive of the agency.

NOTES

Notification

1. Notified in the ACT Gazette on 19 May 1997.

Penalty units

See section 33AA of the *Interpretation Act 1967* and section 9 of the *Subordinate Laws Act 1989*.

Firearms No. 13, 1997

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