

South Australia

## **Firearms Regulations 2008**

under the *Firearms Act 1977*

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# Part 1—Preliminary

## 1—Short title

These regulations may be cited as the *Firearms Regulations 2008*.

## 2—Commencement

These regulations will come into operation on 1 September 2008.

## 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *Firearms Act 1977*;

*captive bolt gun* means a firearm designed to kill animals by firing a bolt that remains part of the firearm during and after firing;

*dog retriever* means a firearm designed to fire a projectile for a dog to retrieve;

*home-made firearm* means a firearm that incorporates a barrel or receiver that was made in Australia by a person who is not a licensed dealer in firearms;

*international visitor firearms permit*—see regulation 7;

*owner* in relation to land includes an occupier of the land;

*paint-ball shooting* means shooting a paint-ball firearm when participating in an organised activity on the grounds of a recognised paint-ball operator;

*power head* means a firearm (not being a captive bolt gun) designed to kill animals by striking the muzzle against the animal;

*prescribed firearm*—see regulation 4;

*rocket line launcher* means a firearm that is designed to throw a rope, cable or line of any other kind;

*underwater firearm* means a firearm—

- (a) designed to fire projectiles by means of compressed air or other compressed gas; and
- (b) designed to be used underwater; and
- (c) kept solely for use underwater;

*Very pistol* means a handgun designed to fire flares or exploding shells.

- (2) For the purposes of these regulations the length of the barrel of a firearm will be taken to be the distance from the breech face to the muzzle.

#### **4—Prescribed firearms**

- (1) For the purposes of the definition of *prescribed firearm* in section 5(1) of the Act, the following firearms are prescribed:
- (a) automatic firearms;
  - (b) mortars, bazookas, rocket propelled grenades and similar military firearms designed to fire explosive projectiles;
  - (c) firearms having 1 or more barrels of less than 330 millimetres in length (but not handguns, air rifles, air guns or power heads);
  - (d) shotguns having 1 or more barrels of less than 450 millimetres in length;
  - (e) air rifles and air guns having 1 or more barrels of less than 250 millimetres in length;
  - (f) firearms having an overall length of less than 750 millimetres (but not handguns or power heads);
  - (g) firearms (but not handguns) designed to be reduced in overall length by folding, telescoping or any other means to a length of less than 750 millimetres and then to be capable of being fired;
  - (h) firearms designed to fire projectiles containing tear gas or any other lachrymatory substance or any nauseating substance or poison (but not firearms designed to tranquillise, immobilise or administer vaccines or other medicines to animals);
  - (i) firearms designed as, and having the appearance of, other objects;
  - (j) home-made firearms;
  - (k) receivers of firearms referred to in a preceding paragraph.
- (2) When determining the overall length of a paint-ball firearm for the purposes of subregulation (1)(f) the gas cylinder and the hose connecting the cylinder to the firearm (if any) will be included.

#### **5—Definition of firearm**

A toy firearm that is not designed to fire metallic projectiles is not included in the definition of *firearm* in the Act unless, in the Registrar's opinion, it should be regulated as a firearm under the Act and is the subject of a declaration to that effect by the Registrar published in the Gazette.

## **Part 2—General exemptions**

#### **6—Exempt firearms**

The following are excluded from the provisions of the Act and these regulations:

- (a) captive bolt guns;

- (b) tools or instruments powered by burning propellant or by compressed air or other compressed gas;
- (c) rocket line launchers;
- (d) devices designed to throw a net to catch animals;
- (e) devices designed to throw an object for shotgun target practice;
- (f) dog retrievers;
- (g) Very pistols used only for signalling distress or rescuing persons in distress;
- (h) a firearm that—
  - (i) has been fitted with a transmitter of infrared electromagnetic waves or a receiver of such waves or both; and
  - (ii) has been modified so as to be incapable of firing a projectile; and
  - (iii) cannot easily be modified to fire projectiles;
- (i) an underwater firearm;
- (j) receivers of firearms referred to in a preceding paragraph.

**Note—**

The definition of *firearm* in section 5(1) of the Act excludes an antique firearm. *Antique firearm* is defined in section 5(1).

## **7—International visitor firearms permits**

- (1) The Registrar may, on the application of a visiting shooter or a visiting security officer, issue an international visitor firearms permit to the applicant.
- (2) The application—
  - (a) must be made in a manner and form approved by the Registrar; and
  - (b) must include, or be accompanied by, such information as the Registrar requires.
- (3) The applicant must—
  - (a) provide such further information as the Registrar requires in order to determine the application; and
  - (b) provide all information in connection with the application in the form required by the Registrar; and
  - (c) provide such proof of the information supplied as the Registrar requires.
- (4) A permit—
  - (a) may be issued for such term and subject to such conditions as the Registrar thinks fit; and
  - (b) may be varied or revoked by the Registrar at any time.
- (5) A permit issued under this regulation—
  - (a) must identify the firearm or firearms to which it applies; and
  - (b) must not be issued in relation to a class D firearm or a prescribed firearm.

- (6) A visiting shooter may possess and use a firearm in South Australia for the purpose of, or for a purpose related to, competitive shooting in accordance with an international visitor firearms permit issued to the shooter under this regulation or in accordance with a permit issued to the shooter under a law of another State or a Territory of the Commonwealth corresponding with this regulation.
- (7) A visiting security officer may possess and use a firearm in South Australia in accordance with an international visitor firearms permit issued to the officer under this regulation for the purpose of protecting a person identified in the permit.
- (8) A visiting shooter referred to in subregulation (6) or a visiting security officer referred to in subregulation (7) is exempt from each of the provisions of the Act and these regulations that he or she would otherwise be required to comply with in relation to activities authorised by the permit.
- (9) In this regulation—

*visiting security officer* means a person who is visiting, or who intends visiting, Australia for the purpose of providing personal security services for a foreign dignitary or official;

*visiting shooter* means a person who is visiting, or who intends visiting, Australia to participate in competitive shooting.

## **8—Exemption of persons from outside the State**

- (1) Subject to this regulation, an unlicensed person whose usual place of residence is outside South Australia may possess and use a firearm in South Australia for a purpose permitted by these regulations if the person is authorised to do so under the law of his or her usual place of residence.
- (2) Subregulation (1) does not entitle a person whose usual place of residence is outside Australia to possess or use a class C, D or H firearm for hunting.
- (3) Subregulation (1) does not entitle a person to possess or use a firearm for the purpose of, or for a purpose related to, competitive shooting or for the purpose of protecting a person (for which the person must obtain an international visitor firearms permit).
- (4) Subject to compliance with subregulation (7), a person who moves his or her usual place of residence to South Australia may, for a period of 3 months after moving—
  - (a) possess and use class A and B firearms; and
  - (b) possess class C, D or H firearms,in South Australia for a purpose permitted by these regulations if the person was authorised to do so under the law of his or her former place of residence.
- (5) A person who has possession of a firearm under subregulation (1) is not required to register the firearm.
- (6) A person referred to in subregulation (1) or (4) who has been issued with a licence under the law of his or her usual or former place of residence must carry the licence and produce it to a police officer on request.
- (7) A person who has moved his or her usual place of residence to South Australia must, within 7 days after moving apply, under the Act and these regulations for registration of, and for a licence to possess and use, the firearms in his or her possession.

- (8) The exemption provided by this regulation does not apply—
  - (a) in relation to a prescribed firearm; or
  - (b) in favour of a person who fails to comply with subregulation (6) or (7).

### **9—Exemption for certain exhibitors**

- (1) The holder of a dealer's licence who exhibits firearms at a recognised exhibition is, for the purposes of so exhibiting firearms, exempt from section 17(4)(a) of the Act.
- (2) The Minister may, by notice in the Gazette, declare a specified exhibition to be a recognised exhibition for the purposes of this regulation and specify the place at which, and the period for which, the exhibition is to be held.
- (3) The Minister may, by subsequent notice in the Gazette, vary or revoke a notice under subregulation (2).
- (4) For the purposes of this regulation, firearms will only be taken to be exhibited at a recognised exhibition if they are exhibited at the place and during the period specified in the notice.

## **Part 3—Licences**

### **Division 1—Firearms licences**

#### **10—Form of application**

An application for a firearms licence, or the renewal of a firearms licence, must be in a form approved by the Registrar.

#### **11—Purposes for which firearms may be used**

- (1) A firearms licence must be endorsed by the Registrar with the purpose or purposes for which the firearm or firearms of the class or classes authorised by the licence may be used by the holder of the licence.
- (2) Subject to subregulation (3), 1 or more of the following purposes may be endorsed on a firearms licence:
  - (a) use as a member of a shooting club—1;
  - (b) target shooting—2;
  - (c) hunting—3;
  - (d) paint-ball shooting—4;
  - (e) use in relation to carrying on the business of primary production or in the course of employment by a person who carries on such a business—5;
  - (f) use in the course of carrying on the business of guarding property or use in guarding property in the course of employment by a person who carries on that business—6;
  - (g) collecting and displaying firearms;
  - (h) such other purpose as is approved by the Registrar—7.

- (3) If the purpose of collecting and displaying firearms is endorsed on a licence, no other purpose may be endorsed on the licence.
- (4) A licence endorsed with the purpose of collecting and displaying firearms cannot authorise the possession of a prescribed firearm or a class D firearm.

**Note—**

If a prescribed firearm or a class D firearm is rendered unusable in a manner stipulated by the Registrar it ceases to be a firearm (see definition of firearm in section 5(1) of the Act) and is therefore no longer subject to regulation.

- (5) The endorsement referred to in subregulation (2)(f) operates only so long as the holder of the licence holds an appropriate licence under the *Security and Investigation Agents Act 1995*.
- (6) The holder of a firearms licence who is a member of a recognised firearms club is not entitled to use a firearm for hunting in the course of club activities unless the licence, by separate endorsement, authorises the use of that class of firearm for hunting.
- (7) The purposes listed in paragraphs (a) to (h) of subregulation (2) will be sufficiently endorsed on a licence by endorsing on the licence the number appearing at the end of the relevant paragraph.

## **12—Authorised purpose for which prescribed firearms may be used**

For the purposes of section 12(7) of the Act, a person may possess and use a prescribed firearm pursuant to a firearms licence for the purpose of theatrical or cinematic productions or for such other purpose or purposes as are approved by the Registrar.

## **13—Checks to be made by Registrar**

Before granting an application for a firearms licence or to renew or vary a firearms licence, the Registrar must check the application against the checklist adopted for that purpose by the Ministerial Council for Police and Emergency Management – Police.

## **Division 2—Dealer's licences**

### **14—Form of application**

An application for a dealer's licence, or the renewal of a dealer's licence, must be in a form approved by the Registrar.

### **15—Records of firearms purchased and sold**

- (1) A dealer must compile records in duplicate of firearms purchased and sold in a form approved by the Registrar for that purpose.
- (2) Within 7 days after the end of each month, the dealer must deliver the original records in respect of that month to the Registrar.
- (3) The duplicate copy of the records must be kept for at least 3 years at the dealer's premises.
- (4) If no firearms have been purchased or sold by a dealer during a month, the dealer must deliver a copy of the appropriate form to the Registrar with "Nil Return" written across it.



## **16—Transfers of firearms through agency of dealer**

- (1) If possession of a firearm is transferred through the agency of a licensed dealer under section 15B(9)(b) of the Act, the dealer must—
  - (a) satisfy himself or herself by inspecting the relevant permit and licence that the person acquiring the firearm is entitled to acquire and possess it; and
  - (b) record—
    - (i) the name and address of the person transferring and the person acquiring the firearm and the number of each of their firearms licences; and
    - (ii) the class, make, calibre and serial number or other identification of the firearm; and
    - (iii) if the firearm is lent or hired—the duration and the terms of the loan or hire; and
  - (c) provide the Registrar with the information recorded under paragraph (b) within 1 month after possession of the firearm is transferred.
- (2) The dealer must not transfer the firearm unless he or she has complied with subregulation (1)(a) and (b).

## **17—Records of transfers of firearms**

- (1) A dealer must compile the records referred to in regulation 16 and a dealer or an authorised officer (as the case requires) must compile the records referred to in section 15C of the Act in duplicate in a form approved by the Registrar.
- (2) Within 7 days after the end of each month the dealer or authorised officer must deliver the original records referred to in subregulation (1) in respect of that month to the Registrar.
- (3) The duplicate copy of the records must be kept for at least 3 years at the dealer's or club's premises.
- (4) If the dealer has not witnessed the transfer of possession of any firearms and has not acted as agent in the transfer of possession of any firearms during a month, the dealer must deliver a copy of the appropriate form to the Registrar with "Nil Return" written across it.
- (5) In this regulation—  
*authorised officer* has the same meaning assigned by section 15B of the Act.

## **18—Other records**

- (1) A dealer must compile records of firearms received by the dealer for repair, consignment or safe keeping in a form approved by the Registrar for that purpose.
- (2) A dealer must, if required to do so by the Registrar, compile records of ammunition purchased by the dealer and ammunition sold by the dealer in a form approved by the Registrar for that purpose.
- (3) The records must be kept for at least 3 years at the dealer's premises.

## **Division 3—Qualifications to hold licence**

### **19—Training and examinations**

- (1) The Registrar may, by notice in writing, require an applicant for a firearms licence or a dealer's licence or for the addition of classes of firearms to which a licence relates or for the endorsement of a further purpose or purposes on a licence to complete to the satisfaction of the Registrar 1 or more of the following:
  - (a) a course in the safe handling, carriage and use of firearms nominated by the Registrar;
  - (b) a written examination in the safe handling, carriage and use of firearms nominated by the Registrar;
  - (c) a practical examination in the safe handling, carriage and use of firearms nominated by the Registrar.
- (2) Subregulation (1) does not apply to an application for the renewal of a licence unless—
  - (a) a period of 1 year or more has elapsed since the licence expired; or
  - (b) the licence will authorise the possession and use of additional classes of firearm or will authorise the possession and use of firearms for additional purposes; or
  - (c) the licence is endorsed for use in the course of carrying on the business of guarding property or use in guarding property in the course of employment by a person who carries on that business.

### **20—Instructors and examiners**

- (1) The Registrar may authorise any suitable person to conduct a course or examination for the purposes of this Division.
- (2) A person who conducts a course or examination under this Division—
  - (a) must not allow a person to attend the course or sit for the examination unless the person produces, for his or her inspection, a notice issued by the Registrar under regulation 19; and
  - (b) must compile, in a form approved by the Registrar, and keep for at least 3 years, a record of the names and addresses of all persons who attend the course or sit for the examination.
- (3) A person referred to in subregulation (1) must provide the Registrar with such information as he or she requests relating to courses or examinations conducted by the person.

## **Division 4—Conditions of licences**

### **21—Conditions of firearms licences**

- (1) It is a condition of a firearms licence that—
  - (a) the holder of the licence must give the Registrar written notice in a form approved by the Registrar of all changes to his or her name or address within 14 days after the change occurs; and
  - (b) every firearm that the holder of the licence has possession of pursuant to the licence must comply with section 24A of the Act; and
  - (c) the holder of the licence must comply with the provisions of Part 6 that apply to, or in relation to, firearms held pursuant to the licence; and
  - (d) when a firearm or ammunition is not secured as required by Part 6 the holder of the licence must take all reasonable precautions to ensure that the firearm or ammunition is not lost or stolen or does not come into the possession of an unauthorised person; and
  - (e) the holder of the licence must report the theft, loss or destruction of a firearm to which the licence relates to a police officer within 14 days after the theft, loss or destruction occurs; and
  - (f) if the holder of the licence informed the Registrar, when applying for the licence, of the place at which he or she intended to keep firearms pursuant to the licence when not in use and the manner in which he or she intended securing those firearms, the holder of the licence—
    - (i) must allow, at any reasonable time, a police officer to enter and inspect the place at which the firearms are kept to ensure the firearms are so secured; and
    - (ii) must give the Registrar prior written notice of any change in the place at which the firearms are kept; and
    - (iii) must not, without the approval of the Registrar, change the manner in which the firearms are secured; and
  - (g) the holder of the licence must, whenever required to do so by the Registrar, provide the Registrar with information relating to a firearm registered in his or her name or in his or her possession; and
  - (h) the holder of the licence must whenever required to do so by the Registrar provide the Registrar with information that the Registrar requires to determine whether he or she should take action under section 20(1a) of the Act.
- (2) It is a condition of a firearms licence that authorises the use and possession of a class C firearm that the holder of the licence must, within 14 days before each anniversary of the granting or renewal of the licence, provide the Registrar with information that the Registrar requires to determine whether he or she should take action under section 20(1a) of the Act.

## Firearms Regulations 2008

### Part 3—Licences

#### Division 4—Conditions of licences

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- (3) It is a condition of a firearms licence that authorises the possession and use of a class C firearm that the holder of the licence may only use a firearm of that class if the requirements set out in 1 or more of the paragraphs of section 15A(3) of the Act or in regulations under section 15A(3)(a) are satisfied and then only if his or her use of the firearm is consistent with the relevant paragraph or regulation.
- (4) If the only paragraph of section 15A(3) of the Act satisfied by the holder of a firearms licence authorising the possession and use of a class C firearm is paragraph (b) (membership of The South Australian Clay Target Association Incorporated or the Australian Clay Target Association Incorporated and membership of a recognised firearms club affiliated with either of those associations), it is a further condition of the licence that the holder must be an active member of the club.
- (5) For the purposes of subregulation (3), the requirements of paragraph (a) of section 15A(3) of the Act will not be taken not to be satisfied on the ground that the holder of the licence has possession of 2 or more class C firearms if his or her possession of those firearms is consistent with another paragraph of section 15A(3) or with a regulation under section 15A(3)(d).
- (6) It is a condition of a firearms licence that authorises the possession and use of a class D firearm that the holder of the licence may only use a firearm of that class for the purpose of destroying animals and then only if his or her livelihood is gained partly or wholly from professional shooting.
- (7) It is a condition of a firearms licence that authorises the possession and use of a class H firearm that the holder of the licence may only use a firearm of that class—
  - (a) if the holder is an active member of a shooting club; or
  - (b) in relation to carrying on the business of primary production or in the course of employment by a person who carries on such a business if, in either case, the property on which the primary production business is carried on is at least 15 000 hectares in area or is a property to which subregulation (8) applies; or
  - (c) in the course of carrying on the business of guarding property or in guarding property in the course of employment by a person who carries on that business; or
  - (d) for the purpose of collecting and displaying firearms; or
  - (e) for such other purpose as is approved by the Registrar.
- (8) This subregulation applies to a property for the purposes of subregulation (7)(b) if the property was specified in a firearms licence that—
  - (a) was purportedly granted to a person for a term expiring on or after 27 September 2002; and
  - (b) authorised the person to use a class H firearm on the property in relation to carrying on the business of primary production or in the course of employment by a person who carries on such a business.
- (9) It is an additional condition of a shooting club member's licence that the holder of the licence must be an active member of a shooting club for each licence year of the licence.

- (10) It is an additional condition of a shooting club member's licence that authorises the possession and use of class H firearms that the class H firearms of each of the following categories of which the holder of the licence has possession must be used by the holder in shooting club organised shoots for that category of class H firearms on at least 4 occasions during each licence year of the licence:
- (a) air or gas operated handguns;
  - (b) .22 calibre rim fire handguns (long rifle or short);
  - (c) centre fire handguns of not more than .38 calibre;
  - (d) handguns of more than .38 calibre.
- (11) It is an additional condition of a collector's licence—
- (a) that in the case of all firearms in the collection manufactured after 1900—
    - (i) the bolt, breech block or firing pin of the firearm must be locked in a container kept separately from the firearm; or
    - (ii) the trigger of the firearm must be immobilised by means of a trigger lock; or
    - (iii) the firearm is secured by such other method as is approved by the Registrar; and
  - (b) that the holder of the licence must be an active member of a collectors' club for each licence year of the licence; and
  - (c) that the holder of the licence does not have possession of any ammunition that can be used in a firearm owned by the collector for the purpose of collecting and displaying firearms (excluding ammunition for use in a firearm that the collector is authorised to have possession of and use for some other purpose endorsed on a separate firearms licence); and
  - (d) that none of the firearms included in the collection is a prescribed firearm; and
  - (e) that the firearms included in the collection must not be fired without the written approval of the Registrar.
- (12) If the purpose, or 1 of the purposes, endorsed on a firearms licence is paint-ball shooting, it is a condition of the licence that only a paint-ball firearm will be used for the purposes of paint-ball shooting.
- (13) A licence to possess a prescribed firearm is subject to the following conditions in addition to the conditions prescribed by subregulation (1):
- (a) the firearm to which the licence relates must not be used to fire a projectile;
  - (b) the firearm must be kept at the premises and in the manner specified in the licence unless approval to the contrary is granted by the Registrar;
  - (c) the holder of the licence must not surrender control of the firearm except when disposing of the firearm.
- (14) The conditions imposed by subregulations (3) and (6) do not apply to a licence held solely to enable the holder of the licence to possess and use firearms for the purposes of a contract with the Crown in right of this State or in any of the Crown's other capacities or for the purpose of tendering for such a contract.

## **22—Conditions of dealers' licences**

- (1) It is a condition of a dealer's licence that—
- (a) the dealer must give the Registrar written notice in a form approved by the Registrar of all changes to his or her name or address within 14 days after the change occurs; and
  - (b) the dealer must comply with the provisions of Part 6 that apply to, or in relation to, firearms or ammunition held pursuant to the licence; and
  - (c) when a firearm or ammunition is not secured as required by Part 6, the dealer must take all reasonable precautions to ensure that the firearm or ammunition is not lost or stolen or does not come into the possession of an unauthorised person; and
  - (d) the dealer must report the theft, loss or destruction of a firearm that is owned or held by the dealer in the course of carrying on business as a dealer in firearms to a police officer within 14 days after the theft, loss or destruction occurs; and
  - (e) subject to subregulation (2), the dealer does not carry on business as a dealer in firearms or ammunition except at the premises authorised by the licence; and
  - (f) in the course of carrying on business as a dealer in firearms, the dealer does not keep firearms at any premises except those referred to in paragraph (e) unless he or she does so for the purpose of testing or repairing those firearms; and
  - (g) the dealer must not deal in—
    - (i) mechanisms or other fittings that can be fitted to a firearm to convert it to an automatic firearm; or
    - (ii) mechanisms or other fittings that, when fitted to a suitable firearm, will enable the firearm to fire grenades or other explosive projectiles; and
  - (h) during the hours that members of the public have access to the premises referred to in paragraph (e), the dealer displays the licence, or a copy of the licence (the copy does not need to include a photograph of the holder of the licence), in those premises in a position in which it is likely to be seen and read by members of the public; and
  - (i) the dealer identifies, in a manner approved by the Registrar, each firearm that he or she owns in the course of carrying on business as a dealer in firearms; and
  - (j) the dealer must produce to a police officer on request the records kept by him or her pursuant to the Act and these regulations; and
  - (k) the dealer must allow a police officer to enter and inspect any premises at which the dealer is authorised by the licence to carry on business for the purpose of enforcement of the Act and these regulations; and

- (1) the dealer must, whenever required to do so by the Registrar or a police officer, provide the Registrar or member with information relating to a firearm recorded to, or in the possession of, the dealer.
- (2) A dealer may—
  - (a) exhibit firearms and ammunition for the purpose of sale by auction and may sell firearms or ammunition by auction at a place other than his or her premises; and
  - (b) exhibit firearms and ammunition for any other purpose at places other than his or her premises if he or she does not exhibit—
    - (i) 2 or more identical firearms; or
    - (ii) more than 50 rounds of identical ammunition.

## **Division 5—Exemptions relating to licences**

### **23—Exemption from requirement to be licensed**

- (1) An offence is not committed against section 11 of the Act in the following circumstances:
  - (a) by a person of or over the age of 14 years but under the age of 18 years who has possession of or uses a registered firearm if—
    - (i) he or she is with, and is under the continuous supervision of, his or her parent or guardian or some other person approved by his or her parent or guardian; and
    - (ii) the person providing the supervision holds a firearms licence authorising possession of the firearm for the purpose for which it is being used;
  - (b) by a person of or over the age of 14 years but under the age of 18 years who has possession of or uses a firearm if that person is (with the consent of his or her parent or guardian) with, and is under the continuous supervision of, a recognised coach who holds a firearms licence authorising possession of the firearm for the purpose for which it is being used;
  - (c) by a person who has possession of or uses a firearm for the purpose of a course or examination in the safe handling, carriage and use of firearms if that person is with, and is under the continuous supervision of, a person authorised by the Registrar to conduct the course or examination;
  - (d) by a person of or over the age of 18 years who has possession of or uses a firearm if that person is with, and is under the continuous supervision of, a person who is registered as the owner of the firearm and who holds a firearms licence authorising possession of the firearm for the purpose for which it is being used;

- (e) by a person who has possession of or uses a class C firearm on the grounds of a recognised firearms club that is affiliated with The South Australian Clay Target Association Inc. or the Australian Clay Target Association Inc. for the purpose of shooting in an activity of the club conducted in accordance with the rules of the Australian Clay Target Association Inc. if that person is with, and is under the continuous supervision of, a person who holds a firearms licence authorising possession of the firearm for the purpose for which it is being used;
  - (f) by a person of or over the age of 14 years but under the age of 18 years who has possession of or uses a firearm at facilities provided by the South Australian Sports Institute if that person is (with the consent of his or her parent or guardian) with, and under the continuous supervision of, a person who holds a firearms licence authorising possession of the firearm for the purpose for which it is being used;
  - (g) by a person of any age who has possession of or uses a firearm (including a prescribed firearm)—
    - (i) in the course of rehearsal for, or the performance of, a theatrical production; or
    - (ii) in the course of rehearsal for, or the filming of, a scene in the production of a film,if that person is under the continuous supervision of a person who holds a firearms licence authorising possession of the firearm for the purpose for which it is being used.
- (2) An offence is not committed against section 11 of the Act by a person who is of or over the age of 10 years but under the age of 14 years in the circumstances set out in subregulation (1)(a) or (b) if the firearm concerned is a class A firearm.
- (3) For the purposes of subregulation (1)(d), a person will be taken to be registered as the owner of a firearm if he or she is the nominee of a body, whether incorporate or unincorporate, that is registered as the owner of the firearm.
- (4) In this regulation—
- recognised coach* means a person who has been recognised by a recognised firearms club as being a fit and proper person to instruct others in the skills of using firearms.

## **24—Exemption of juniors from certain provisions**

- (1) A person who—
- (a) has reached the age of 12 years but has not reached the age of 18 years; and
  - (b) is a member of a recognised firearms club; and
  - (c) needs to hold a firearms licence in order to participate in a competition or competitions held in another State or a Territory of the Commonwealth or held in another country,

is, subject to the conditions set out in subregulation (2), exempt from section 12(3) and (8) of the Act.



- (2) The conditions are as follows:
- (a) the only purpose that may be endorsed on a licence granted to an exempt person referred to in subregulation (1) is use of a firearm as a member of a recognised firearms club; and
  - (b) the term of a licence granted to an exempt person referred to in subregulation (1) is 1 year; and
  - (c) a licence granted to an exempt person referred to in subregulation (1) cannot be renewed; and
  - (d) an exempt person referred to in subregulation (1) who is the holder of a licence must not apply for a permit authorising the acquisition of a firearm.

## **Division 6—General**

### **25—Company nominee**

- (1) A company that holds a licence must appoint a person—
- (a) who is, in the opinion of the Registrar, a fit and proper person to have control of the company's firearms; and
  - (b) who is employed by the company and has his or her usual place of residence in the State,
- to have control of the company's firearms at the place at which they are kept by the company.
- (2) Without limiting the meaning of fit and proper person in subregulation (1)(a), a person will be taken not to be a fit and proper person for the purposes of that subregulation if the Registrar would refuse to grant a firearms licence to that person.
- (3) A person appointed under subregulation (1) must keep a record of—
- (a) the firearms under his or her control; and
  - (b) the names of the persons who have possession of those firearms and the periods during which they have possession of them.
- (4) A company must give the Registrar written notice in a form approved by the Registrar of the name and address of the person appointed by the company under subregulation (1).

### **26—Replacement of licence**

If a person applies for replacement of a licence, and the Registrar is satisfied, on information provided by the applicant or on such other evidence as he or she requires, that the licence has been lost, stolen or destroyed, the Registrar may, on payment of the fee fixed by Schedule 1, issue a replacement for the licence.

### **27—Reporting obligations of prescribed persons**

The following classes of persons are prescribed for the purposes of the definition of *prescribed person* in section 20A of the Act:

- (a) persons registered as nurses under the *Nurses Act 1999*;
- (b) registered psychologists under the *Psychological Practices Act 1973*;

- (c) professional counsellors;
- (d) social workers.

## **Part 4—Acquisition and registration of firearms**

### **28—Application for permits**

An application for a permit to acquire a firearm must be in a form approved by the Registrar.

### **29—Checks to be made by Registrar**

Before granting an application for a permit to acquire a firearm, the Registrar must check the application against the checklist adopted for that purpose by the Ministerial Council for Police and Emergency Management – Police.

### **30—Application to register firearm**

- (1) Subject to subregulation (2), an application to register a firearm must be in a form approved by the Registrar and the applicant must produce the following to the police officer to whom the application is made:
  - (a) the permit authorising the acquisition of the firearm; and
  - (b) the firearm; and
  - (c) the licence authorising the person producing the firearm to have possession of it.
- (2) A person who applies for registration of a firearm in circumstances referred to in regulation 8(7) is not bound to comply with subregulation (1)(a) or (c).

### **31—Acquisition of class C firearms**

The following requirements are prescribed for the purposes of section 15A(3)(d) of the Act:

- (a) in relation to the acquisition of class C firearms for the purpose of collection and display—
  - (i) the Registrar is satisfied that the applicant for the permit to acquire the class C firearm has, or genuinely intends to acquire, a collection of firearms that has, or will have, significant commemorative, historical, investment or other value; and
  - (ii) the firearm is to be acquired to form part of the collection;
- (b) in relation to the acquisition of class C firearms by the Royal Zoological Society of South Australia Incorporated—
  - (i) the applicant for the permit to acquire the class C firearm is the Royal Zoological Society of South Australia Incorporated; and
  - (ii) the Registrar is satisfied that the Society needs the firearm for the operation of its zoos.

### **32—Nature of alteration, loss, theft or destruction of firearm**

A notice to the Registrar under section 25 of the Act must be in a form approved by the Registrar.

### **33—Acquisition of class H firearms**

- (1) For the purposes of section 15A(4b) of the Act, the Registrar may grant to an applicant who is the holder of a shooting club member's licence a permit to acquire a class H firearm—
  - (a) despite a restriction on barrel length set out in section 15A(4b)(a) of the Act, if the Registrar is satisfied that the firearm is a visually distinctive and highly specialised target pistol; or
  - (b) despite the restriction to firearms of not more than .38 calibre, if the Registrar is satisfied that the firearm is of not more than .45 calibre and is required for shooting events of the kind known as metallic silhouette or single (western) action.
- (2) For the purposes of section 15A(4b) of the Act, the barrel length of a class H firearm is to be measured as follows:
  - (a) in the case of a revolver, the length is to be measured from the muzzle to the breech end immediately in front of the cylinder;
  - (b) in the case of any other class H firearm, the length is to be measured from the muzzle to the breech face (including where the chamber is incorporated in the barrel);
  - (c) if the firearm is self-loading, the measurement must be taken when the slide is forward and the breech face or bolt is in a closed position;
  - (d) any alteration to the barrel that is permanently attached is to be included in the portion measured.
- (3) For the purposes of section 15A(4c) of the Act, in order for a collector to be granted a permit to acquire class H firearms manufactured after 1946, the collector must be a genuine student of arms who—
  - (a) has been an active member of a collectors' club for at least the preceding 2 years; and
  - (b) has a significant collection of handguns with a proper thematic structure; and
  - (c) has provided displays or published articles to advance the body of knowledge of firearms history and development.

### **34—Certificate of registration**

- (1) The Registrar must issue a certificate of registration to the person in whose name the firearm is registered.
- (2) The Registrar may, on payment of the fee fixed by Schedule 1, issue a certificate to replace 1 that has been lost, stolen or destroyed.

## **Part 5—Acquisition of ammunition**

### **35—Application for permit**

An application to the Registrar for a permit to acquire ammunition must—

- (a) be in a form approved by the Registrar; and
- (b) be accompanied by information required by the Registrar; and
- (c) be accompanied by the fee fixed by Schedule 1.

### **36—Limit on quantity of ammunition**

A person must not own or have in his or her possession ammunition that exceeds the reasonable needs of that person for the immediately following 12 months.

### **37—Exemption—acquisition and supply of gas cylinders**

A person who acquires or supplies a cylinder of compressed gas designed for use in a firearm is exempt from section 21B of the Act in relation to the acquisition or supply of the cylinder.

## **Part 6—Security of firearms and ammunition**

### **38—Security of firearms**

- (1) A person (not being a dealer) who has possession of a class A or B firearm must keep the firearm secured by—
  - (a) securely attaching and locking it to part of the building in which it is kept; or
  - (b) keeping it in a locked cabinet made of hardwood or steel that is securely attached to the building in which it is kept; or
  - (c) keeping it in a locked safe made of steel that is securely attached to the building in which it is kept; or
  - (d) keeping it in a locked steel and concrete strong room; or
  - (e) such other method as is approved by the Registrar.
- (2) A person (not being a dealer) who has possession of a class C, D or H firearm must keep the firearm secured by—
  - (a) keeping it in a locked safe made of steel that is securely attached to the building in which it is kept; or
  - (b) keeping it in a locked steel and concrete strong room; or
  - (c) such other method as is approved by the Registrar.
- (3) A cabinet or safe referred to in subregulation (1) or (2) must—
  - (a) be fitted with fittings and locks that prevent it from being easily forced open; and
  - (b) be made of material of sufficient thickness to prevent it being easily broken, opened or destroyed.

- (4) Despite subregulations (1)(c) and (2)(a), a safe need not be attached to the building if its mass when empty is 150 kilograms or more.

### **39—Possession of prescribed firearms**

A person who has possession of a prescribed firearm must keep the firearm secured in accordance with the conditions of the licence authorising possession of the firearm.

### **40—Possession of firearms by dealers**

- (1) Subject to this regulation, a person who has possession of a class A, B, C, D or H firearm in his or her capacity as a dealer must keep the firearm secured by 1 of the methods set out in regulation 38 in respect of the relevant class of firearm.
- (2) A dealer is not required to comply with subregulation (1) during periods that his or her premises are open to the public in respect of class A or B firearms that are on display to members of the public entering the premises if the public does not have access to the firearms.
- (3) A dealer is not required to comply with subregulation (1) during periods that his or her premises are open to the public in respect of class H firearms that are on display to members of the public entering the premises if—
- (a) the public does not have access to the firearms; and
  - (b) the firearms are secured in a manner approved by the Registrar.

### **41—Ammunition**

- (1) Ammunition must be stored in a locked container separately from firearms.
- (2) A person must not have possession of a round of ammunition that includes high explosives or that is designed to kill, injure or incapacitate by means of smoke or chemicals.
- (3) A person must not have possession of a round of military ammunition unless—
- (a) it has been modified so that it is incapable of being fired; or
  - (b) it is of *United Nations Hazard classification Code 1.4S* and has a calibre of less than 19.1mm.

### **42—Security of dealer's building**

A dealer must ensure that the premises at which he or she carries on the business of dealing in firearms is properly secured against unlawful entry whenever the premises are unoccupied.

### **43—Exemption from Part**

The Registrar may exempt a person from compliance with this Part subject to such conditions as he or she thinks fit and may vary or revoke an exemption at any time.

## **Part 7—Recognised bodies**

### **Division 1—Recognised firearms clubs**

#### **44—Application for recognition**

An application for recognition of a firearms club must be made to the Registrar in a form approved by the Registrar and must be accompanied by—

- (a) a copy of the rules relating to the constitution, powers, management and administration of the club; and
- (b) a list of the names and addresses of the members of the controlling body of the club and the office (if any) held by each member; and
- (c) a statement of the number of members of the club; and
- (d) a description of the current and proposed activities of the club; and
- (e) if the activities of the club include shooting—
  - (i) a plan of the range (if any) regularly used by the club and a map showing the location of the range; and
  - (ii) a list of the names and addresses of members of the club who are authorised to control the activities of club members at the range; and
  - (iii) evidence that the club has permission of the owner of the land on which the range is situated for the club's use of the range; and
  - (iv) evidence that the club has permission of the owner of adjoining land over which projectiles may pass in the course of shooting at the range; and
  - (v) evidence of compliance with the requirements of any other Act relating to the use of land as a shooting range; and
- (f) such other information as the Registrar requires.

#### **45—Certificate of recognition**

- (1) If the Minister has declared a firearms club to be a recognised firearms club, the Registrar must provide the club with a certificate setting out—
  - (a) the date of recognition; and
  - (b) the location of the club's range or ranges; and
  - (c) the current activities (and the proposed activities if any) of the club.
- (2) The club must display the certificate, or a copy of the certificate, in a prominent position on its premises or at the range used by it.

#### **46—Approval of Registrar required for alteration to range**

A recognised firearms club must not alter the range or ranges used by the club without first obtaining the approval of the Registrar.

#### **47—Club to inform Registrar of change**

- (1) A recognised firearms club must, within 28 days after—
  - (a) a variation to the rules of the club comes into force; or
  - (b) the membership of the controlling body of the club changes; or
  - (c) a variation in or addition to the activities of the club has occurred,provide the Registrar with—
  - (d) the text of the variation to the rules; or
  - (e) the names and addresses of the members of the controlling body and the office (if any) held by each member; or
  - (f) a description of the variation in or addition to the activities of the club.
- (2) A recognised firearms club must—
  - (a) from time to time, at the request of the Registrar, provide the Registrar with such information in relation to the affairs and activities of the club as the Registrar requires; and
  - (b) permit the Registrar, or a person authorised by the Registrar, to inspect the club premises and the range at any reasonable time.

#### **48—Acceptance of new members**

A recognised firearms club must not grant an application for membership of the club unless—

- (a) if the club is a shooting club—the applicant has produced to the club the applicant's shooting club member's licence or a certificate of the Registrar, issued within the preceding 21 days, certifying that the Registrar is satisfied that the applicant is a fit and proper person to hold a shooting club member's licence; or
- (b) if the club is a collectors' club—the applicant has produced to the club the applicant's collector's licence or a certificate of the Registrar, issued within the preceding 21 days, certifying that the Registrar is satisfied that the applicant is a fit and proper person to hold a collector's licence; and
- (c) the applicant has produced to the club 2 references each of which appears to have been signed by a person within the preceding 21 days and to state that the person has known the applicant for at least the preceding 2 years and that the applicant is a person of good character and a suitable person to be a member of a firearms club; and
- (d) an office holder of the club has, by personal contact with the person named in each reference as the referee, confirmed the signing of the reference by the person on the date stated in the reference and the contents of the reference.

#### **49—Records to be kept by clubs**

- (1) A recognised firearms club must make records, as required by the Registrar by notice in writing, of—
  - (a) in respect of each person granted membership of the club, the actions taken in compliance with regulation 48; and

- (b) participation by members of the club in activities of the club that involve the shooting of firearms; and
  - (c) attendance by members of the club at meetings of the club including those of the kind referred to in paragraph (b) (if any).
- (2) Records referred to in subregulation (1) must be kept by the club for at least 3 years and must be produced for inspection when requested by the Registrar.

## **50—Change in membership**

Within 28 days after a person ceases to be a member of a recognised firearms club, the club must give the Registrar written notice of the member's name and last known address and the date on which the membership terminated and, in the case of expulsion, the reason or reasons for the expulsion.

## **Division 2—Recognised paint-ball operators and recognised commercial range operators**

### **51—Application for recognition of paint-ball operator**

- (1) An application for recognition of a paint-ball operator and approval of the operator's grounds must be made to the Registrar in a form approved by the Registrar and must be accompanied by—
- (a) a description of the proposed activities of the operator; and
  - (b) a plan of the grounds proposed to be used by the operator and a map showing the location of the grounds; and
  - (c) a list of the names and addresses of the persons who are authorised to control the activities of persons on those grounds; and
  - (d) evidence that the operator has permission of the owner of the land on which the grounds are situated for the operator's use of the grounds; and
  - (e) evidence of compliance with the requirements of any other Act relating to use of land as grounds of a paint-ball operator; and
  - (f) such other information as the Registrar requires.
- (2) An application by a company must be accompanied by—
- (a) a copy of the constitution of the applicant;
  - (b) a list of the names and addresses of the directors and shareholders of the applicant.

### **52—Application for recognition of commercial range operator**

- (1) An application for recognition of a commercial range operator and approval of the operator's range must be made to the Registrar in a form approved by the Registrar and must be accompanied by—
- (a) a description of the proposed activities of the operator; and
  - (b) a plan of the range proposed to be used by the operator and a map showing the location of the range; and



- (c) a list of the names and addresses of the persons who are authorised to control the activities of persons on the range; and
  - (d) evidence that the operator has permission of the owner of the land on which the range is situated for the operator's use of the range; and
  - (e) evidence of compliance with the requirements of any other Act relating to use of land as a shooting range; and
  - (f) such other information as the Registrar requires.
- (2) An application by a company must be accompanied by—
- (a) a copy of the constitution of the applicant; and
  - (b) a list of the names and addresses of the directors and shareholders of the applicant.

### **53—Certificate of recognition**

- (1) If the Minister has declared a person to be a recognised paint-ball operator or recognised commercial range operator, the Registrar must provide the operator with a certificate setting out—
- (a) the date of recognition; and
  - (b) the location of the operator's grounds or range; and
  - (c) the proposed activities of the operator.
- (2) The operator must display the certificate, or a copy of the certificate, in a prominent position at the grounds or range used by the operator.

### **54—Alteration of grounds or range**

A recognised paint-ball operator or a recognised commercial range operator must not alter the grounds or range used by the operator without first obtaining the approval of the Registrar.

### **55—Operator to inform Registrar of change**

- (1) A recognised paint-ball operator or recognised commercial range operator must, within 28 days after a variation in or addition to the activities of the operator has occurred, provide the Registrar with a description of the variation in or addition to the activities of the operator.
- (2) A recognised paint-ball operator or recognised commercial range operator that is a company must, within 28 days after—
- (a) a variation to the constitution of the operator comes into force; or
  - (b) a change in the directors or shareholders of the operator has occurred,
- provide the Registrar with—
- (c) the text of the variation to the constitution; or
  - (d) the names of the persons who have ceased to be directors or shareholders of the operator and the names and addresses of persons who have become directors or shareholders of the operator,
- (as the case requires).

- (3) A recognised paint-ball operator or recognised commercial range operator must—
- (a) from time to time, at the request of the Registrar, provide the Registrar with such information in relation to the affairs and activities of the operator as the Registrar requires; and
  - (b) permit the Registrar, or a person authorised by the Registrar, to inspect the operator's premises and grounds or range at any reasonable time.

## **Part 8—Miscellaneous**

### **56—Advertising firearm for sale**

A person (other than a dealer) who advertises a firearm for sale must include in the advertisement the identification number or combination of numbers and letters stamped or engraved on the firearm.

### **57—Transporting of firearms—exclusion from section 35A of Act**

- (1) A person who carries on the business of carrying goods may carry a firearm and ammunition, or cause a firearm and ammunition to be carried, by the same vehicle, vessel or aircraft if—
- (a) the owner of the firearm and the owner of the ammunition are being carried by the same vehicle, vessel or aircraft and no ammunition is carried in the chamber, breech or a magazine of the firearm; or
  - (b) the firearm and ammunition are carried in the same vehicle, vessel or aircraft with the approval of the Registrar.
- (2) For the purposes of section 35A(2) of the Act, a class C, D or H firearm must not be transported if there is a round of ammunition in the chamber, breech or a magazine of the firearm.

### **58—Records**

- (1) Records that a person is required to compile and keep under the Act, these regulations or the conditions of a licence must be produced on demand to the Registrar or a police officer.
- (2) All alterations made to records compiled and kept under the Act, these regulations or the conditions of a licence must be made so that the entry that is altered remains clearly legible.

### **59—Form of applications and licences etc**

- (1) An application to the Registrar under the Act or these regulations must, unless otherwise provided, be in a form approved by the Registrar.
- (2) A licence, permit or registration certificate granted or issued by the Registrar must, unless otherwise provided, be in a form approved by the Registrar.

### **60—Fees**

The fees payable under the Act and these regulations are set out in Schedule 1.

## 61—Offence

A person who contravenes, or fails to comply with, a provision of these regulations is guilty of an offence.

Maximum penalty: \$2 500.

## Schedule 1—Fees

1	Application for grant or renewal of firearms licence for prescribed firearms	\$51
2	Application for grant or renewal of firearms licence for firearms other than prescribed firearms—	
	(a) if term of licence does not exceed 1 year	\$65
	(b) if term of licence exceeds 1 year but does not exceed 3 years	\$169
	(c) if term of licence exceeds 3 years but does not exceed 5 years	\$269
3	Application for grant or renewal of dealer's licence authorising dealing in firearms or firearms and ammunition—	
	(a) if term of licence does not exceed 1 year	\$335
	(b) if term of licence exceeds 1 year but does not exceed 3 years	\$974
	(c) if term of licence exceeds 3 years but does not exceed 5 years	\$1 616
4	Application for grant or renewal of dealer's licence that only authorises dealing in ammunition—	
	(a) if term of licence does not exceed 1 year	\$99
	(b) if term of licence exceeds 1 year but does not exceed 3 years	\$269
	(c) if term of licence exceeds 3 years but does not exceed 5 years	\$440
5	Application for variation of licence	\$40
6	Application for registration of firearm in name of owner of firearm or for issue of duplicate certificate of registration	\$24
7	Application for licence to replace licence lost, stolen or destroyed	\$40
8	Application for permit to acquire ammunition	\$24
9	Fee to witness the transfer of a firearm under Part 3 Division 2A of Act	\$16
	However, if a firearm is registered in the name of the owner immediately after the transfer of the firearm is witnessed by a police officer, the witnessing fee is not payable.	
10	Administrative fee on late renewal of a licence	\$26

## Schedule 2—Revocations

### 1—Revocation of *Firearms Regulations 1993*

The *Firearms Regulations 1993* are revoked.

### 2—Revocation of *Firearms (Compensation) Regulations 1996*

The *Firearms (Compensation) Regulations 1996* are revoked.

### **3—Revocation of *Firearms (Exemption for Certain Exhibitors) Regulations 2003***

The *Firearms (Exemption for Certain Exhibitors) Regulations 2003* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 28 August 2008

No 239 of 2008

MPOL08/011CS