

South Australia

## **Firearms Regulations 2017**

under the *Firearms Act 2015*

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Schedule 3—Revocation of *Firearms Regulations 2008*

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**Part 1—Preliminary**

**1—Short title**

These regulations may be cited as the *Firearms Regulations 2017*.

**2—Commencement**

These regulations will come into operation on the day on which the *Firearms Act 2015* comes into operation.

### 3—Interpretation

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

*Act* means the *Firearms Act 2015*;

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

*contract shooter* means a person who—

- (a) enters into formal engagements or contracts to shoot animals; or
- (b) satisfies the Registrar that the person is a contract shooter according to other requirements determined by the Registrar for the purposes of this definition;

*deactivated firearm* means a firearm that has been rendered permanently unusable in a manner stipulated by the Registrar;

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

*enrolled nurse* means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the enrolled nurses division of that profession;

*firearms manufacturer* means a person who carries on the business of manufacturing firearms or firearm parts;

*home-made firearm* means a firearm that was manufactured in Australia by a person who was not authorised by a firearms licence, permit or other authorisation (whether under the Act or corresponding legislation of another State or Territory of the Commonwealth) to manufacture firearms and includes (without limitation)—

- (a) such a firearm manufactured by use of a milling machine; and
- (b) such a firearm, or such a firearm that contains a firearm part, manufactured by use of a 3D printer or 3D printer technology;

*licence number*, in relation to a firearms licence, or a corresponding authority issued under a law of another jurisdiction, means the numbers or characters that make up the identifying reference of the firearms licence or corresponding authority;

*licence year* of a licence means the 12 months from the beginning of the term of the licence or, if the term of the licence exceeds 12 months, each subsequent period of 12 months during the term of the licence;

*nurse* means a registered nurse or an enrolled nurse;

*operator of a primary production business* means—

- (a) a person who carries on a business of primary production; or
- (b) if the person who carries on a business of primary production is a company—a director of the company who resides on or near the land on which the business is carried on or visits the land frequently for the purposes of the business; or

- (c) a person employed to manage a business of primary production who resides on or near the land on which the business is carried on or visits the land frequently for the purposes of the business;

**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 7;

**registered nurse** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession;

**regulated imitation firearm**—see regulation 4;

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

**RSL** means the Returned & Services League of Australia (S.A. Branch) Incorporated or a sub-branch of the Returned & Services League of Australia (S.A. Branch) Incorporated;

**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 signalling or emergency distress flares or pyrotechnic shells.

- (2) For the purposes of these regulations, unless the contrary intention appears, the length of the barrel of a firearm will be taken to be the distance from the breech face to the muzzle.
- (3) For the purposes of these regulations, in determining whether a regulated imitation firearm closely resembles another firearm, consideration must be given to—
  - (a) the functionality of the firearm or device; and
  - (b) the features, characteristics or components of the firearm (including, for example, the barrel length, the overall length or the magazine capacity of the firearm or device).

#### **4—Certain devices declared to be firearms**

- (1) Pursuant to paragraph (b) of the definition of **firearm** in section 4(1) of the Act, a regulated imitation firearm is declared to be a firearm.
- (2) A **regulated imitation firearm** is a device that—
  - (a) can be adapted to function as a firearm with a moderate exercise of effort and skill; and

- (b) is constructed of material (or materials) of sufficient strength such that it would, if it were adapted to function as a firearm, be capable of sustaining the firing of ammunition, paint-balls, airgun pellets or other similar projectiles, but does not include an item determined by the Registrar under subregulation (3) not to be a regulated imitation firearm.
- (3) The Registrar may, on application or on the Registrar's own initiative, determine that a particular device is not a regulated imitation firearm.
- (4) The Registrar may, by notice in the Gazette, declare an item of a specified class to be a regulated imitation firearm (and such a notice has effect according to its terms despite subregulation (2)).
- (5) The Registrar may, by subsequent notice in the Gazette, vary or revoke a notice made under this regulation.

### **5—Certain devices excluded from definition of firearm**

- (1) Pursuant to paragraph (d) of the definition of *firearm* in section 4(1) of the Act, a device designed for the purposes of children's play (a *children's toy*) that fires toy projectiles is declared not to be a firearm.
- (2) For the avoidance of doubt, a children's toy does not include—
  - (a) a device known as, or that is similar to, a BB gun; or
  - (b) a device known as, or that is similar to, an Airsoft gun; or
  - (c) a device that is a regulated imitation firearm.

### **6—Prohibited firearm accessories**

- (1) For the purposes of the definition of *prohibited firearm accessory* in section 4(1) of the Act, an item to which this regulation applies is prescribed.
- (2) This regulation applies to an item, being an accessory, that is designed, or may be adapted, to enable a firearm, when the item is fitted to or used in conjunction with the firearm (and whether the item is used on its own or in conjunction with another item), to have any of the following capabilities:
  - (a) burst fire operation;
  - (b) bump fire operation;
  - (c) semi-automatic operation;
  - (d) fully automatic operation,other than—
  - (e) an item possessed by a person for the purposes of altering a firearm in accordance with the written approval of the Registrar under section 38 of the Act; or
  - (f) a restricted firearm mechanism possessed by a person in accordance with the written approval of the Registrar under section 39 of the Act.



(3) In this regulation—

***bump fire operation*** means a method of firing a firearm that utilises the recoil of the firearm to cause rapid depressions of the trigger so as to fire multiple rounds in rapid succession;

***burst fire operation*** means a method of firing a firearm that enables the firing of a predetermined number of multiple rounds by a single depression of the trigger;

***fully automatic operation*** means a method of firing a firearm such that, following the firing of a round on the depression of the trigger, the firearm continues to fire 1 or more rounds automatically while the trigger is held in that position;

***semi-automatic operation*** means a method of firing a firearm such that, following the firing of a round on the depression of the trigger, the firearm automatically loads a further round thereby allowing the rapid firing of another round on another depression of the trigger.

## 7—Prescribed firearms

(1) Pursuant to section 5(1)(f)(v) of the Act, the following firearms are declared to be prescribed firearms:

- (a) firearms having 1 or more barrels of less than 330 millimetres in length (but not handguns, air guns, power heads or paint-ball firearms);
- (b) shotguns having 1 or more barrels of less than 400 millimetres in length;
- (c) air guns having 1 or more barrels of less than 250 millimetres in length;
- (d) firearms having an overall length of less than 750 millimetres (but not handguns, power heads or paint-ball firearms);
- (e) paint-ball firearms having an overall length of less than 400 millimetres;
- (f) 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;
- (g) home-made firearms of any kind or category;
- (h) firearms (other than handguns) that have been permanently modified by reducing the length of the barrel to less than 400 millimetres—
  - (i) in contravention of section 38(2) of the Act or section 27AA(1)(b) of the repealed Act; or
  - (ii) in contravention of a provision of legislation of another State or Territory of the Commonwealth that corresponds, or substantially corresponds, to either of those sections;
- (i) regulated imitation firearms that closely resemble a firearm referred to in a preceding paragraph or section 5(1)(f)(i) to (iv) (inclusive) of the Act, or that do not closely resemble such a firearm or a firearm of category A, B, C, D or H;
- (j) 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)(e), the gas cylinder and the hose connecting the cylinder to the firearm (if any) is to be excluded.

### **8—Firearms not within the definition of handgun**

Pursuant to section 5(4) of the Act, the definition of *handgun* in section 5(2) of the Act does not include a paint-ball firearm with a barrel of less than 400 millimetres.

### **9—Categories of firearms expanded to include imitation firearms**

Pursuant to section 5(4) of the Act, the definitions of category A, B, C, D and H firearms and prescribed firearms in section 5(1) of the Act are amended so that, if a regulated imitation firearm closely resembles a firearm of a particular category, the category will be taken to encompass the regulated imitation firearm.

### **10—Prescribed offences—fit and proper person**

Schedule 2 Part 1 sets out the offences for the purposes of section 7(3)(d) of the Act.

### **11—Prescribed offences—possession and use of firearms—aggravated offence**

Schedule 2 Part 2 sets out the offences against the *Controlled Substances Act 1984* for the purposes of section 9(7)(c) of the Act.

### **12—Prescribed offences—disqualification of employment of person by licensed dealer**

Schedule 2 Part 3 sets out the offences for the purposes of section 11(7)(c)(iii) of the Act.

## **Part 2—Licences**

### **Division 1—Licence categories**

#### **13—Licence categories**

For the purposes of section 12 of the Act, the following categories of firearms licence are prescribed:

- category 1 (shooting club) licences
- category 2 (target shooting) licences
- category 3 (hunting) licences
- category 4 (paint-ball shooting) licences
- category 5 (primary production) licences
- category 6 (security guard) licences
- category 7 (contract shooter) licences
- category 8 (commercial range) licences
- category 9 (shooting gallery) licences
- category 10 (collector) licences

- category 11 (dealer) licences
- category 12 (miscellaneous) licences.

## **Division 2—Special provisions relating to licence categories**

### **14—Category 1 (shooting club) licences**

- (1) Subject to this regulation, a category 1 (shooting club) licence authorises the licensee to possess firearms of a category specified on the licence for the purpose only of use as, or by a member of, a shooting club.
- (2) A category 1 (shooting club) licence must be limited to category A, B, C or H firearms (or a combination of such categories).
- (3) A category 1 (shooting club) licence is subject to the following conditions:
  - (a) the licensee must be a shooting club or a person who is a member of a shooting club for each licence year of the licence;
  - (b) the licensee must, within 28 days of becoming a member of a shooting club, notify the Registrar of that fact and the contact details of the club;
  - (c) a firearm may only be used under the licence for hunting in the course of activities of a shooting club if the use of the firearm for that purpose is authorised under a category 3 (hunting) licence;
  - (d) in the case of a licence authorising the licensee to possess a category C firearm for use as a member of a shooting club—
    - (i) the licensee must be a member of The South Australian Clay Target Association Incorporated or the Australian Clay Target Association Incorporated and an active member of a shooting club affiliated with either of those associations for each licence year of the licence; and
    - (ii) the firearm may only be used for the purpose of an activity of the shooting club conducted in accordance with the rules of the Australian Clay Target Association Incorporated; and
    - (iii) either—
      - (A) the licensee must have a special need for the firearm that cannot be met by a firearm of any other category because of the licensee's lack of strength or dexterity, or because of some other physical characteristic (as supported by such evidence or documents as may be required by the Registrar); or
      - (B) the licensee was a person who, immediately before 15 November 1996, was a member of a shooting club affiliated with the Australian Clay Target Association and was, at that time, in lawful possession of a self-loading or pump action shotgun used for competitive clay target shooting;
  - (e) in the case of a licence authorising the licensee to possess a category H firearm for use as a member of a shooting club—

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### Part 2—Licences

#### Division 2—Special provisions relating to licence categories

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- (i) the licensee must be an active member of a shooting club for each licence year of the licence; and
  - (ii) the licensee may only possess a category H firearm if the licensee has held a category 1 (shooting club) licence authorising the possession of a category H firearm for 6 months or more; and
  - (iii) unless the licensee has held a category 1 (shooting club) licence authorising the possession of a category H firearm for 12 months or more, the licensee is limited to the possession of handguns as follows:
    - (A) one .177 calibre air pistol or one .22 calibre rim fire handgun (long rifle or short) or one centre fire handgun;
    - (B) one .177 calibre air pistol and one .22 calibre rim fire handgun (long rifle or short);
    - (C) one .177 calibre air pistol and one centre fire handgun; and
  - (iv) subject to subregulations (4) and (5), the licensee may not possess—
    - (A) a self-loading handgun (other than a revolver) with a barrel length of less than 120 mm; or
    - (B) a revolver or single shot handgun in either case with a barrel length of less than 100 mm; or
    - (C) a handgun with a manufactured or a modified magazine or cylinder capacity of more than 10 rounds; or
    - (D) a handgun of more than .38 calibre; and
  - (v) the licensee must use at least 1 handgun of each of the following kinds in the licensee's possession on at least 4 occasions in each licence year of the licence at shooting club organised shoots:
    - (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 (if the licensee is allowed possession of such handguns under these regulations).
- (4) Despite a restriction on barrel length set out in subregulation (3)(e)(iv), a category 1 (shooting club) licence may authorise the possession of a category H firearm with a shorter barrel if the Registrar is satisfied that the firearm is a visually distinctive and highly specialised target pistol.
- (5) Despite the restriction on firearms of not more than .38 calibre in subregulation (3)(e)(iv)(D), a category 1 (shooting club) licence may authorise the possession of a category H firearm of more than .38 calibre if the Registrar is satisfied that the firearm is not of more than .45 calibre and is required for shooting events of the kind known as metallic silhouette or single (western) action.
- (6) Subregulation (3)(e) does not apply to muzzle-loading handguns or percussion cap and ball handguns.

- (7) A person 12 years of age or more and under the age of 18 years may be granted a category 1 (shooting club) licence subject to the following additional conditions and limitations:
- (a) the person must need the licence in order to participate in a competition or competitions held in another State or Territory of the Commonwealth or in another country;
  - (b) the licence may only be granted for a term not exceeding 3 years;
  - (c) the person may not apply for a permit authorising the acquisition of a firearm.
- (8) Pursuant to section 15(8) of the Act, a licence may be granted to a person referred to in subregulation (7) before 28 days have elapsed from the date of the application for the licence.
- (9) For the purposes of this regulation, the barrel length of a category 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 category 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.
- (10) For the purposes of subregulations (3)(d)(i) and (3)(e)(i), a person is an active member of a shooting club for a 12 month period if the person is—
- (a) in the case of a member whose firearms licence authorises the use of category C firearms—a member of the club who has participated in shooting club organised competitive shooting matches for category C firearms on at least 4 occasions during the 12 months; or
  - (b) in the case of a member whose firearms licence authorises the use of category H firearms—a member of the club who has participated in shooting club organised competitive shooting matches for category H firearms on at least 6 occasions during the 12 months; or
  - (c) a member of the club who satisfies the Registrar that the member failed to meet the requirements of paragraph (b) during the 12 months, due to the member's ill health or employment obligations or some other reason accepted by the Registrar.

### **15—Category 2 (target shooting) licences**

- (1) Subject to this regulation, a category 2 (target shooting) licence authorises the licensee to possess firearms of a category specified on the licence for the purpose only of use in target shooting.
- (2) A category 2 (target shooting) licence must be limited to category A or B firearms (or both such categories).

### **16—Category 3 (hunting) licences**

- (1) Subject to this regulation, a category 3 (hunting) licence authorises the licensee to possess firearms of a category specified on the licence for the purpose only of use in hunting.
- (2) A category 3 (hunting) licence must be limited to category A or B firearms (or both such categories).

### **17—Category 4 (paint-ball shooting) licences**

- (1) A category 4 (paint-ball shooting) licence authorises the licensee to possess paint-ball firearms for the purpose only of—
  - (a) use in the business of a recognised paint-ball operator as the operator of the business; or
  - (b) use on the grounds of a recognised paint-ball operator who holds a licence under this regulation in the ordinary course of paint-ball shooting operations on the grounds.
- (2) A category 4 (paint-ball shooting) licence held by a person under subregulation (1)(b) is subject to the condition that the use of the paint-ball firearm must be under the supervision of a recognised paint-ball operator who holds a licence under subregulation (1)(a) or an accredited paint-ball employee engaged as an employee in the business of the operator.

### **18—Category 5 (primary production) licences**

- (1) Subject to this regulation, a category 5 (primary production) licence authorises the licensee to possess firearms of a category specified on the licence for the purpose only of use in a primary production business.
- (2) A category 5 (primary production) licence must be limited to category A, B, C or H firearms (or a combination of such categories).
- (3) A category 5 (primary production) licence is subject to the following conditions:
  - (a) the licensee must be—
    - (i) the operator of a primary production business; or
    - (ii) a person who is engaged in such a business as an employee or relative of the operator;
  - (b) in the case of a licence authorising the possession of a category C firearm—
    - (i) the licensee must be—
      - (A) the operator of a primary production business; or
      - (B) a person who is engaged in such a business as an employee or relative of the operator and lives on or near the land on which the business is carried on, or frequently visits the land for the purposes of the business; and
    - (ii) the licensee must have a special need for the firearm in the business that cannot be met by a firearm of any other category; and
    - (iii) the category C firearm must, when not in use for the purposes of the business, be kept at the licensee's principal place of residence; and

- (iv) the licensee may not possess, under the licence, more than—
  - (A) 1 self-loading rifle; and
  - (B) 1 shotgun that is either a self-loading or pump action shotgun;
- (c) the licensee may only possess or use a category H firearm for the purpose of the business of primary production on a property that—
  - (i) is at least 15 000 hectares in area; or
  - (ii) was specified in a firearms licence granted under the repealed Act 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.
- (4) A person 15 years of age or more may hold a category 5 (primary production) licence as an employee or relative of the operator of a primary production business, but if the person is under 18 years of age—
  - (a) the licence must be limited to category A or B firearms (or a combination of such categories); and
  - (b) the person may not apply for a permit authorising the acquisition of a firearm.

### **19—Category 6 (security guard) licences**

- (1) A category 6 (security guard) licence authorises the licensee to possess category H firearms for the purpose only of use in the business of guarding property.
- (2) A category 6 (security guard) licence is subject to the following conditions:
  - (a) the licensee must be—
    - (i) a person carrying on the business of guarding property; or
    - (ii) a person who is engaged in such a business as an employee of the person carrying on the business;
  - (b) the licensee must hold an appropriate licence in force under the *Security and Investigation Industry Act 1995*.
- (3) A category 6 (security guard) licence expires if the licensee ceases to hold an appropriate licence in force under the *Security and Investigation Industry Act 1995*.

### **20—Category 7 (contract shooter) licences**

- (1) Subject to this regulation, a category 7 (contract shooter) licence authorises the licensee to possess firearms of a category specified on the licence for the purpose only of use as a contract shooter.
- (2) A category 7 (contract shooter) licence must be limited to category A, B, C or D firearms (or a combination of such categories).

- (3) A category 7 (contract shooter) licence authorising the possession of a category C or D firearm is subject to the condition that the licensee must have a special need for the firearm as a contract shooter that cannot be met by a firearm of any other category.

## **21—Category 8 (commercial range) licences**

- (1) Subject to this regulation, a category 8 (commercial range) licence authorises the licensee to possess firearms of a category specified on the licence for the purpose only of use in the business of a recognised commercial range operator.
- (2) A category 8 (commercial range) licence must be limited to category A, B or H firearms (or a combination of such categories).
- (3) A category 8 (commercial range) licence is subject to the condition that the licensee must be—
  - (a) a recognised commercial range operator; or
  - (b) a person who is engaged in the business of a recognised commercial range operator as an employee of the operator.

## **22—Category 9 (shooting gallery) licences**

- (1) Subject to this regulation, a category 9 (shooting gallery) licence authorises the licensee to possess firearms of a category specified on the licence for the purpose only of use in the business of operating a shooting gallery.
- (2) A category 9 (shooting gallery) licence must be limited to—
  - (a) category A firearms that are .177 calibre air guns; or
  - (b) category H firearms that are handguns designed to fire shot, bullets or other projectiles by means of compressed air or other compressed gas and not by means of burning propellant; or
  - (c) a combination of such firearms.
- (3) A category 9 (shooting gallery) licence is subject to the following conditions:
  - (a) the licensee must be—
    - (i) a person carrying on the business of operating a shooting gallery; or
    - (ii) a person who is engaged in such a business as an employee of the person carrying on the business;
  - (b) the licensee must ensure that any firearm used in the course of the business of operating a shooting gallery under the licence is securely attached to a shooting bench in a manner approved by the Registrar.

## **23—Category 10 (collector) licences**

- (1) Subject to this regulation, a category 10 (collector) licence authorises the licensee to possess firearms of a category specified on the licence for the purpose only of collecting or collecting and displaying the firearms.
- (2) Subject to subregulation (3), a category 10 (collector) licence must be limited to category A, B, C, D or H firearms (or a combination of such categories).
- (3) A category 10 (collector) licence may not authorise possession of a category D firearm unless the firearm is a deactivated firearm.



- (4) An applicant for the initial grant of a category 10 (collector) licence must have been an active member of a collectors' club for the preceding 12 months.
- (5) A category 10 (collector) licence is subject to the following conditions:
- (a) the licensee must be an active member of a collectors' club for each licence year of the licence;
  - (b) the licensee must, within 28 days of becoming a member of a collector's club, notify the Registrar of that fact and the contact details of the club;
  - (c) the licensee must have, or genuinely intend to acquire, a collection of firearms that has, or will have, significant commemorative, historical, investment or other value and each firearm in the licensee's possession under the licence must contribute to the value of the collection;
  - (d) if a licensee possesses a regulated imitation firearm under the licence, the licensee must not, without the approval of the Registrar, alter the firearm in a manner that would enable it to function as a firearm;
  - (e) the licensee must ensure that each firearm in the licensee's possession under the licence that was manufactured after 1900 is kept secured—
    - (i) by locking the bolt, breech block or firing pin of the firearm in a container kept separately from the firearm; or
    - (ii) by immobilising the trigger of the firearm by means of a trigger lock; or
    - (iii) in some other manner approved by the Registrar;
  - (f) the licensee must ensure that—
    - (i) no firearm in the licensee's possession under the licence is fired without the written approval of the Registrar; and
    - (ii) any firearm fired with the approval of the Registrar is fired in accordance with any conditions of the approval;
  - (g) the licensee must not have possession of any ammunition that can be used in a firearm in the licensee's possession (excluding ammunition for use in a firearm that the licensee may possess and use under a lawful authority other than the category 10 (collector) licence) unless—
    - (i) the person has the approval of the Registrar under paragraph (f)(i); and
    - (ii) the person holds a permit to possess the ammunition under section 32 of the Act for the purposes of that approval;
  - (h) the licensee may not possess a category H firearm that was manufactured after 1946 unless the licensee is a genuine student of arms who—
    - (i) has been an active member of a collectors' club for at least the preceding 2 years; and
    - (ii) has a significant collection of handguns with a proper thematic structure; and
    - (iii) has provided displays or published articles to advance the body of knowledge of firearms history and development.

## **Firearms Regulations 2017**

### Part 2—Licences

#### Division 2—Special provisions relating to licence categories

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- (6) In determining whether a person meets the requirements referred to in subregulation (5)(h), the Registrar must have regard to any certificate lodged by the person that has been prepared and signed by an office holder of the collectors' club of which the applicant is a member (being an office holder nominated by the club for the purpose) stating that the applicant meets those requirements and setting out details in support of that statement.
- (7) Subregulation (5)(h) does not apply in relation to muzzle-loading handguns or percussion cap and ball handguns.
- (8) For the purposes of this regulation, a person is an active member of a collectors' club for a 12 month period if the person is—
  - (a) a member of the club who has attended at least 4 meetings of the club during the 12 months; or
  - (b) a member of the club who has made a personal contribution (not being a financial contribution) to the club during the 12 months in a manner and to an extent that satisfies the Registrar that the person should be regarded as an active member of the club.
- (9) For the purposes of satisfying the requirements of subregulation (8)(a), a person may attend a meeting of a club by teleconference, audio conference or video conference or by other electronic means, provided that the person physically attends at least 1 meeting of the club in the 12 month period.

#### **24—Category 11 (dealer) licences**

- (1) Subject to this regulation, a category 11 (dealer) licence authorises the licensee to possess and use firearms, firearm parts and ammunition of a category or kind specified on the licence for the purpose only of the business of a dealer.
- (2) A category 11 (dealer) licence may not apply to prescribed firearms or firearm parts suitable only for use in prescribed firearms.
- (3) A category 11 (dealer) licence authorises the licensee to carry on the business of a dealer if it bears the statement "licensed dealer".
- (4) A category 11 (dealer) licence authorises possession of ammunition but not firearms or firearm parts if it bears the statement "ammunition only".
- (5) A category 11 (dealer) licence authorises the licensee to possess and use firearms, or possess ammunition, only as an employee of a licensed dealer if it bears the statement "employee only".
- (6) A category 11 (dealer) licence is subject to—
  - (a) except as provided for in subregulation (7), a condition that the licensee may only have possession of a firearm, firearm part or ammunition under the licence at the premises specified in the licence; and
  - (b) a condition that the licensee must not, when those premises are open to the public, leave any firearm, firearm part or ammunition unattended in any area of the premises to which the public has access; and
  - (c) in the case of a licensed dealer, the following conditions:

- (i) the dealer must keep records relating to the dealer's business in accordance with these regulations and allow a police officer, on request, to inspect the records;
  - (ii) the dealer must provide returns relating to the dealer's business to the Registrar in accordance with these regulations;
  - (iii) the dealer must identify, in a manner approved by the Registrar, each firearm owned or held by the dealer in the course of the dealer's business;
  - (iv) the dealer must, whenever required to do so by the Registrar or a police officer, provide the Registrar or the officer with information relating to a firearm that is, or has been, in the possession of the dealer in the course of the dealer's business;
  - (v) the dealer must ensure that, when supplying a firearm to another (not being a licensed dealer), the firearm is delivered directly to the person, or in the case of a company, to the company's principal nominee or secondary nominee and not to any agent or carrier;
  - (vi) the dealer must—
    - (A) within 24 hours, unless the dealer has a reasonable excuse for not doing so, provide an oral report to a police officer; and
    - (B) within 7 days, give the Registrar written notice, in a form approved by the Registrar,  
  
of the theft, loss or destruction of a firearm owned or held by the dealer in the course of the dealer's business or the theft or loss of a sound moderator or ammunition owned or held by the dealer in the course of the business;
  - (vii) the dealer must not deal in restricted firearm mechanisms;
  - (viii) the dealer must, during the hours that members of the public have access to the dealer's premises, display a copy of the licence (excluding any photograph) in the premises in a position in which it is likely to be seen and read by members of the public.
- (7) A dealer may possess a firearm, firearm part or ammunition under the licence other than at the premises specified in the licence—
- (a) for the purpose of testing or repairing a firearm; or
  - (b) for the purpose of exhibiting and selling a firearm, firearm part or ammunition by auction; or
  - (c) in the case of a category A, B or H firearm or a firearm part for a category A, B or H firearm—for the purpose of exhibiting or selling firearms or firearm parts at an arms fair, provided that the dealer does not exhibit 2 or more identical firearms or firearm parts; or
  - (d) for the purpose of exhibiting or selling ammunition at an arms fair, provided that the dealer does not exhibit more than 50 rounds of identical ammunition.

## **25—Category 12 (miscellaneous) licences**

- (1) Subject to this regulation, a category 12 (miscellaneous) licence authorises the licensee to possess a particular firearm or firearms of a category specified on the licence—
  - (a) for a purpose approved by the Registrar; or
  - (b) for 1 or more of the following purposes:
    - (i) use in the provision of training in respect of the safe handling, carriage and use of firearms;
    - (ii) the collection, or collection and display, of firearms in museums;
    - (iii) the collection, or collection and display, of firearms by the RSL;
    - (iv) the collection, or collection and display, of firearms to which, and in circumstances in which, a category 10 (collectors) licence does not apply;
    - (v) use by the Royal Zoological Society of South Australia Incorporated in relation to the operation of its zoos;
    - (vi) use by a veterinary surgeon registered under the *Veterinary Practice Act 2003* for the purpose of the humane destruction of animals;
    - (vii) use on land by persons who maintain the land for conservation purposes;
    - (viii) use in film, television or theatre productions;
    - (ix) use in historical re-enactments;
    - (x) use in commemorative and ceremonial events;
    - (xi) the purpose of the business of a firearms manufacturer.
- (2) The Registrar may not approve a purpose under this regulation that consists of or involves the protection of property.
- (3) The purpose or purposes for which the licensee is authorised to possess a firearm under a category 12 (miscellaneous) licence must be specified on the licence.
- (4) A category 12 (miscellaneous) licence may apply to any firearms, including prescribed firearms, deactivated firearms and regulated imitation firearms.
- (5) A category 12 (miscellaneous) licence may not authorise possession of a regulated imitation firearm or deactivated firearm of a particular category unless it is specifically endorsed to that effect.
- (6) A category 12 (miscellaneous) licence that authorises the manufacture of firearms or firearm parts must be specifically endorsed to that effect.
- (7) The Registrar may refuse an application for a category 12 (miscellaneous) licence authorising the holder of the licence to manufacture firearms or firearm parts for the purpose of the business of a firearms manufacturer if the Registrar is not satisfied that the person has sufficient knowledge, skills and expertise to manufacture firearms or firearm parts.

- (8) A category 12 (miscellaneous) licence authorising the holder of the licence to manufacture firearms or firearm parts is subject to the following conditions:
- (a) the licensee must be—
    - (i) a person carrying on the business of manufacturing firearms or firearm parts; or
    - (ii) a person who is engaged in such a business as an employee of the person carrying on the business;
  - (b) the licence may not apply to prescribed firearms or firearm parts for prescribed firearms;
  - (c) the licensee must not carry on the business of purchasing or selling firearms, firearms parts or ammunition, or repairing, modifying or testing firearms or firearm parts, unless the person is authorised to do so under a category 11 (dealer) licence.
- (9) It is a condition of a category 12 (miscellaneous) licence that authorises possession of a regulated imitation firearm that the licensee must not, without the approval of the Registrar, alter the firearm in a manner that would enable it to function as a firearm.
- (10) A category 12 (miscellaneous) licence may only authorise a person other than a museum or the RSL to possess, for the purpose of collection, or collection and display, a prescribed firearm of a kind not designed to be carried by hand and that has not been deactivated if—
- (a) the firearm was in the lawful possession of the person before the commencement of this regulation; and
  - (b) the person registered the firearm in the person's name before the end of the transition period.
- (11) A category 12 (miscellaneous) licence authorising the possession of a category C or D firearm is subject to the condition that the licensee must have a special need for the firearm that cannot be met by a firearm of any other category.
- (12) A category 12 (miscellaneous) licence authorising the possession of a prescribed firearm is subject to the following conditions:
- (a) the licensee must have a special need for the firearm that cannot be met by a firearm of any other category;
  - (b) the firearm must not be used to fire a projectile except in accordance with the written approval of the Registrar obtained by the licensee;
  - (c) the firearm must be kept—
    - (i) at the premises and in the manner specified in the licence; or
    - (ii) if written approval to the contrary is given by the Registrar—in accordance with that approval;
  - (d) the licensee must not surrender control of the firearm except when disposing of the firearm.
- (13) In this regulation—
- museum*** means a museum to which access is permitted to the public on a regular basis, whether for free or on payment of a fee;

*transition period* has the same meaning as in Schedule 1 Part 15 clause 25 of the Act.

### **Division 3—Grant and term of licence**

#### **26—Prescribed offences—grant of firearms licence**

Schedule 2 Part 4 sets out the offences for the purposes of section 15(5) of the Act.

#### **27—Term of licence**

For the purposes of section 17(1)(b) of the Act, the term prescribed is 3 years.

### **Division 4—Qualifications to hold licence**

#### **28—Training and examinations**

- (1) The Registrar may, by notice in writing, require an applicant for—
  - (a) a firearms licence; or
  - (b) the addition of categories of firearms to which a licence relates; or
  - (c) 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:
  - (d) a course in the safe handling, carriage and use of firearms nominated by the Registrar;
  - (e) a written examination in the safe handling, carriage and use of firearms nominated by the Registrar;
  - (f) 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 categories 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.

#### **29—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 (the *attendee*) to attend the course or sit for the examination unless the attendee produces, for the person's inspection, a notice issued by the Registrar under regulation 28; 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.

Maximum penalty: \$2 500.

- (3) A person referred to in subregulation (1) must provide the Registrar with such information as the Registrar requests relating to courses or examinations conducted by the person.

Maximum penalty: \$2 500.

## **Division 5—Company Nominees**

### **30—Application for approval of nominees of licensed companies**

- (1) For the purposes of section 16 of the Act, an application for approval of a person as a company's principal or secondary nominee—
  - (a) must be made to the Registrar in the manner and form approved by the Registrar; and
  - (b) must be accompanied by any documents required under these regulations or by the Registrar; and
  - (c) must be accompanied by the prescribed application fee.
- (2) An application for approval of a person as a company's nominee must be accompanied by—
  - (a) documentation provided by the company supporting the application; and
  - (b) details of the firearms in the possession of the company over which the nominee is intended to exercise control and the place at which those firearms will be kept.
- (3) The Registrar may require an applicant to provide any information the Registrar requires to determine the application.
- (4) The Registrar may only refuse an application for approval of a person as a company's nominee if the Registrar is not satisfied—
  - (a) that the applicant has made the application in accordance with the Act (and these regulations) and met the requirements of the Registrar in connection with the application; or
  - (b) that the person holds a firearms licence that authorises possession of the firearms in the possession of the company for the purpose for which the company is authorised by its licence to have possession of the firearms; or
  - (c) that the person is an officer or employee of the company who is an Australian citizen or permanent resident usually resident in South Australia; or
  - (d) that the person is a fit and proper person to have control of the firearms in the possession of the company under the company's licence.

### **31—Revocation of approval**

- (1) The Registrar may revoke the approval of a company's nominee—
  - (a) on application of the company or the nominee; or

- (b) on the Registrar's own initiative by written notice to the company and the nominee, on any ground on which the Registrar might refuse to approve the person as a nominee of the company.
- (2) If the Registrar revokes the approval of a company's secondary nominee, written notice of the revocation must also be given to the company's principal nominee.

### **32—Records to be kept by company nominee**

A person approved as a company's nominee must keep a record of—

- (a) the firearms under the person's control as the company's nominee; and
- (b) the names of the persons who have possession of those firearms and the periods during which they have possession of them.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **33—Registrar to be notified of change of address**

A company nominee must, within 14 days, give the Registrar written notice, in a form approved by the Registrar, of a change of the person's address.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **Division 6—General provisions relating to licences**

### **34—Registrar to be notified of change of address etc**

A licensee must, within 14 days, give the Registrar written notice, in a form approved by the Registrar, of a change of the licensee's name or address or any other detail recorded on the licence.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **35—Duty to carry licence**

- (1) A licensee must carry the licensee's firearms licence, or a legible copy of the licensee's firearms licence (which may be in electronic form), when the licensee has physical possession or control of a firearm under the licence or is supervising the use of a firearm by another person in circumstances authorised under the Act.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) Subregulation (1) does not apply to a licensed dealer who has possession of a firearm in the ordinary course of the person's business under the licence.

### **36—Return of licence to Registrar**

- (1) A person whose licence has been suspended or cancelled must immediately return the licence to the Registrar.

Maximum penalty: \$5 000.



- (2) A licensee must return the licence to the Registrar in accordance with any directions given by the Registrar in order to vary the licence.

Maximum penalty: \$5 000.

### **37—Replacement of licence**

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

### **38—Licences granted to natural persons to include photographs**

- (1) A firearms licence granted to a natural person must include a photograph of the licensee.
- (2) The Registrar may require an applicant for a licence or the holder of a licence that is to be varied or replaced—
- (a) to attend at a specified place for the purpose of having the applicant's photograph taken; or
  - (b) to supply the Registrar with 1 or more photographs of the applicant or holder of the licence specified by the Registrar.
- (3) If—
- (a) an application is made for a licence or the variation or replacement of a licence; and
  - (b) —
    - (i) the applicant fails to comply with a requirement under subregulation (2); or
    - (ii) a photograph taken or supplied under subregulation (2) is not suitable, in the Registrar's opinion, for inclusion in a licence,
- the Registrar may suspend consideration of the application until the applicant complies with the requirement or a suitable photograph is taken or supplied.
- (4) If the Registrar varies a licence on the Registrar's own initiative and the licensee refuses or fails to comply with a requirement under subregulation (2)(a), the Registrar may suspend or cancel the licence.
- (5) The Registrar may issue an interim licence that does not include a photograph of the licensee if the Registrar determines that it is appropriate to do so.
- (6) An interim licence comes into force on the day specified on the licence and remains in force for 90 days or until a licence that includes a photograph is issued to the applicant, whichever first occurs.

## **Part 3—Exemptions and permits**

### **Division 1—Exemptions**

#### **39—Exemptions for persons visiting or moving to South Australia**

- (1) This regulation authorises the possession or use of a firearm for a purpose in South Australia only if the possession or use of that firearm for that purpose could be authorised by a firearms licence other than, subject to subregulation (3), a category 11 (dealer) licence or a category 12 (miscellaneous) licence.
- (2) Pursuant to section 8(5) of the Act, but subject to this regulation, a person whose usual place of residence is in another State or a Territory of the Commonwealth may possess or use a firearm for a purpose in South Australia, without holding a firearms licence, if the person is authorised to possess or use that firearm for that purpose under the law of the person's usual place of residence.
- (3) This regulation authorises a person whose usual place of residence is in another State or a Territory of the Commonwealth to—
  - (a) possess or use a category A or B firearm; or
  - (b) possess a firearm of any category (including a prescribed firearm) that has been rendered permanently unusable,  
  
in South Australia for the purpose of historical re-enactment without holding a firearms licence, if the person is authorised to possess or use that firearm for that purpose under the law of the person's usual place of residence.
- (4) Pursuant to section 8(5) of the Act, but subject to this regulation, a person who moves the person's usual place of residence to South Australia may, for the period of 3 months after moving, possess or use a firearm for a purpose in South Australia, without holding a firearms licence, if the person could possess or use that firearm for that purpose under the law of the person's former place of residence.
- (5) Subregulation (4) does not authorise a person to use a category C, D or H firearm in South Australia.
- (6) A person referred to in subregulation (2), (3) or (4) who has been issued with a licence or other authority authorising the possession or use of the firearm under the law of the person's usual or former place of residence must carry the licence or other authority when the firearm is in the person's physical possession or control in South Australia, and must produce the licence or other authority to a police officer on request.
- (7) A person referred to in subregulation (4) must, within 7 days after moving the person's usual place of residence to South Australia, apply under the Act for a firearms licence in respect of the firearm and for registration of the firearm.
- (8) An exemption provided by this regulation does not apply in favour of—
  - (a) a person who fails to comply with subregulation (6) or (7); or
  - (b) a person who handles a firearm while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the firearm.

#### **40—Further exemptions from requirement to hold firearms licence**

- (1) Pursuant to section 8(5) of the Act, the following persons are, subject to subregulation (2), exempt from the requirement to hold a firearms licence under the Act:
- (a) a person who has possession of or uses a category C firearm on the grounds of a recognised firearms club that is affiliated with The South Australian Clay Target Association Incorporated or the Australian Clay Target Association Incorporated for the purpose of shooting in an activity of the club conducted in accordance with the rules of the Australian Clay Target Association Incorporated 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;
  - (b) a person 14 years of age or more 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 the person's 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;
  - (c) 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, or a foreign theatrical armourer permit, authorising possession of the firearm for the purpose for which it is being used.
- (2) A person is not exempt from holding a firearms licence in circumstances referred to in subregulation (1) if the person—
- (a) is suspended from holding a firearms licence, or a similar licence or authorisation under corresponding legislation of another State or Territory of the Commonwealth; or
  - (b) has been the holder of a firearms licence, or a similar licence or authorisation under corresponding legislation of another State or Territory of the Commonwealth, that has been cancelled; or
  - (c) is prohibited from possessing or using a firearm by an order of a court whether in South Australia or any other State or Territory of the Commonwealth or by a firearms prohibition order or a similar order under corresponding legislation of another State or Territory of the Commonwealth; or
  - (d) handles a firearm while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the firearm.

- (3) If a person is exempt from holding a firearms licence in circumstances referred to in subregulation (1), the Act does not apply to the acquisition of the firearm by the person in those circumstances.

#### **41—Exemption relating to employment of persons by licensed dealers**

Pursuant to section 8(5) of the Act, if a licensed dealer employs a disqualified person who holds a category 11 (dealer) licence in the business of the dealer, and the person is a disqualified person solely by virtue of having been found guilty of an offence under this Act or the repealed Act that is not—

- (a) an offence prescribed for the purposes of paragraph (c)(iii) of the definition of *disqualified person* in section 11(7) of the Act, or
- (b) an offence prescribed for the purposes of section 15(5) of the Act,

the licensed dealer and the person are exempt from the operation of section 11(1) of the Act in relation to that employment (and do not commit an offence against section 11(1)).

#### **42—Exemption in relation to gas cylinders**

Pursuant to section 8(5) of the Act, a person who acquires, owns, possesses or supplies a cylinder of compressed gas designed for use in a firearm is exempt from the application of section 31 of the Act in relation to that acquisition, ownership, possession or supply.

#### **43—Exemption from certain provisions of Act for collectors of Very pistols**

Pursuant to section 8(5) of the Act, a person who holds—

- (a) a category 10 (collector) licence; or
- (b) a category 12 (miscellaneous) licence that authorises the collection, or collection and display, of firearms,

and who acquires, owns or possesses a Very pistol for the purposes only of collection, or collection and display, is exempt from the application of sections 22, 27 and 29 of the Act in relation to that acquisition, ownership or possession subject to the condition that the Very pistol must not be used to fire signalling or emergency distress flares, pyrotechnic shells or other projectiles.

#### **44—Exempt firearms**

Pursuant to section 8(5) of the Act, 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, the possession and use of which is only for the purpose of signalling distress or rescuing persons in distress;
- (h) firearms that—
  - (i) have been fitted with a transmitter of infrared electromagnetic waves or a receiver of such waves or both; and
  - (ii) have been modified so as to be incapable of firing a projectile; and
  - (iii) cannot easily be modified to fire projectiles;
- (i) underwater firearms;
- (j) firearms that are not designed to be carried by hand and that have a calibre that exceeds 19.1 millimetres and—
  - (i) have been rendered permanently unusable so as to be incapable of firing a projectile; or
  - (ii) for which ammunition is not commercially available;
- (k) receivers of firearms referred to in a preceding paragraph.

**Note—**

The definition of *firearm* in section 4(1) of the Act excludes an antique firearm. *Antique firearm* is defined in section 5(2) of the Act.

## **Division 2—Permits**

### **45—International visitor firearms permits (section 8(2)(a) of Act)**

- (1) Subject to this regulation, the Registrar may, on the application of a person who is visiting, or who intends visiting, Australia, issue an international visitor firearms permit to the applicant authorising the applicant to possess and use a firearm for 1 or more of the following purposes as specified in the permit:
  - (a) competitive shooting;
  - (b) hunting;
  - (c) providing personal security services for a foreign dignitary or official;
  - (d) commemorative and ceremonial events;
  - (e) historical re-enactment or display;
  - (f) testing or demonstrating firearms for a government department, agency or instrumentality.
- (2) The application must—
  - (a) be made in a manner and form approved by the Registrar; and
  - (b) include such information as the Registrar requires; and
  - (c) be accompanied by the prescribed application fee.
- (3) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.
- (4) The Registrar may exempt the holder of a permit issued under this regulation from provisions of the Act or these regulations, absolutely or subject to conditions.

- (5) A permit issued under this regulation is subject to the following conditions:
- (a) the permit holder must allow a police officer to inspect, at any reasonable time, the firearms in the person's possession and the person's facilities for the storage and safe keeping of the firearms;
  - (b) the permit holder must—
    - (i) within 24 hours, unless the person has a reasonable excuse for not doing so, provide an oral report to a police officer; and
    - (ii) within 7 days, give the Registrar written notice, in a form approved by the Registrar,  
of the theft or loss of a firearm in the person's possession.
- (6) A permit—
- (a) may be issued for such term as the Registrar thinks fit; and
  - (b) is subject to (in addition to the limitations and conditions prescribed by other provisions of this regulation) any limitations or conditions imposed by the Registrar; and
  - (c) may be varied or revoked by the Registrar at any time.
- (7) 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 category D firearm or a prescribed firearm; and
  - (c) must specify any exemption that applies under subregulation (4).

#### **46—Foreign theatrical armourer permits (section 8(2)(b) of Act)**

- (1) Subject to this regulation, the Registrar may, on the application of a foreign theatrical armourer, grant a foreign theatrical armourer permit to the armourer authorising the armourer to possess or use a firearm for the purpose of film, television or theatre production in South Australia.
- (2) The application must—
- (a) be made in a manner and form approved by the Registrar; and
  - (b) include such information as the Registrar requires; and
  - (c) be accompanied by the prescribed application fee.
- (3) The Registrar may require an applicant to provide any information the Registrar requires to determine the application.
- (4) The Registrar may exempt the holder of a permit issued under this regulation from provisions of the Act or these regulations, absolutely or subject to conditions.
- (5) A permit issued under this regulation is subject to the following conditions:
- (a) in the case of a permit authorising the possession of a prescribed firearm—that the firearm must not be used to fire a projectile;

- (b) the permit holder must allow a police officer to inspect, at any reasonable time, the firearms in the person's possession and the person's facilities for the storage and safe keeping of the firearms;
  - (c) the permit holder must carry the permit when a firearm is in the person's physical possession or control in South Australia or the permit holder is supervising a person who has possession of, or is using, a firearm for the purposes of a film, television or theatrical production in South Australia, and must produce the permit to a police officer on request;
  - (d) the permit holder must—
    - (i) within 24 hours, unless the person has a reasonable excuse for not doing so, provide an oral report to a police officer; and
    - (ii) within 7 days, give the Registrar written notice, in a form approved by the Registrar,  
of the theft or loss of a firearm in the person's possession.
- (6) A permit—
- (a) may be issued for such term as the Registrar thinks fit; and
  - (b) is subject to (in addition to the limitations and conditions prescribed by other provisions of this regulation) any limitations or conditions imposed by the Registrar; and
  - (c) may be varied or revoked by the Registrar at any time.
- (7) A permit may only apply to a category of firearm that the foreign theatrical armourer is authorised to possess or use for the purpose of film, television or theatre production under the law of the armourer's usual place of residence.
- (8) A permit issued under this regulation must specify any exemption that applies under subregulation (4).

#### **47—Foreign firearms dealer permits (section 8(2)(c) of Act)**

- (1) Subject to this regulation, the Registrar may, on the application of a foreign firearms dealer who is attending, or intends to attend, an arms fair, grant a foreign firearms dealer permit to the dealer authorising the possession or use of a firearm or ammunition, or the possession of a firearm part, for 1 or more of the following purposes as specified in the permit:
- (a) the display of firearms, firearm parts or ammunition by the dealer at the arms fair;
  - (b) the sale of firearms, firearm parts or ammunition by the dealer at the arms fair;
  - (c) the purchase of firearms, firearm parts or ammunition by the dealer at the arms fair;
  - (d) the use of firearms, firearm parts or ammunition by the dealer at the arms fair;
  - (e) supervising the use of a firearm (at a specified place) by a person who is considering acquiring the firearm from the dealer, for the purpose of testing the firearm.

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### Part 3—Exemptions and permits

#### Division 2—Permits

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- (2) Subject to subregulation (3), a permit may only apply to a category of firearm or to firearm parts or ammunition of a kind that a foreign firearms dealer is authorised to possess or use under the law of the jurisdiction authorising the dealer to carry on the business of a firearms dealer in that jurisdiction.
- (3) A permit with respect to the possession or use of firearms or firearm parts may only be granted in relation to category A, B or H firearms or firearm parts for a category A, B or H firearm.
- (4) The application must—
  - (a) be made in a manner and form approved by the Registrar; and
  - (b) include such information as the Registrar requires; and
  - (c) be accompanied by the prescribed application fee.
- (5) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.
- (6) The Registrar may exempt the holder of a permit issued under this regulation from provisions of the Act or these regulations, absolutely or subject to conditions.
- (7) A permit issued under this regulation is subject to the following conditions:
  - (a) the permit holder must, before bringing a firearm into the State under the permit, provide the Registrar with the details of—
    - (i) the category, make, model, type, action, calibre and magazine capacity of the firearm; and
    - (ii) the number or characters constituting the identifying mark of the firearm;
  - (b) the permit holder must not display 2 or more identical firearms or firearm parts or more than 50 rounds of identical ammunition;
  - (c) the permit holder must not supply a firearm, firearm part or ammunition to a person under the permit other than to a licensed dealer or a person the permit holder is satisfied, after inspecting the relevant permit or licence (or both) held by the person, is entitled to acquire and possess the firearm, firearm part or ammunition;
  - (d) in relation to a firearm acquired or supplied by the permit holder under the permit, the permit holder must record in duplicate, in a form approved by the Registrar—
    - (i) the name and address of the person from whom the firearm was acquired, or to whom the firearm was supplied (as the case requires) and licence number of the person's firearms licence; and
    - (ii) the category, make, model, type, action, calibre and magazine capacity of the firearm; and
    - (iii) the number or characters constituting the identifying mark of the firearm; and
    - (iv) any other information as required by the Registrar;



- (e) the permit holder must allow a police officer to inspect, at any reasonable time, the firearms in the permit holder's possession and the permit holder's facilities for the storage and safe keeping of the firearms;
  - (f) the permit holder must carry the permit when carrying on the business of a dealer at an arms fair and must produce the permit to a police officer on request;
  - (g) the permit holder must—
    - (i) within 24 hours, unless the permit holder has a reasonable excuse for not doing so, provide an oral report to a police officer; and
    - (ii) within 7 days, give the Registrar written notice, in a form approved by the Registrar,of the theft or loss of a firearm in the permit holder's possession.
- (8) A permit—
- (a) may be issued for such term as the Registrar thinks fit; and
  - (b) is subject to (in addition to the limitations and conditions prescribed by this regulation) any limitations or conditions imposed by the Registrar; and
  - (c) may be varied or revoked by the Registrar at any time.
- (9) A permit issued under this regulation must specify any exemption that applies under subregulation (6).
- (10) In subregulation (7)(d)(i), a reference to a firearms licence includes a reference to a firearms licence or a similar licence or authorisation issued under a corresponding law of another jurisdiction.

#### **48—Keeping and provision of records by holder of foreign firearms dealer permit**

A person who holds, or has held, a foreign firearms dealer permit must—

- (a) within 28 days of the end of an arms fair attended by the person pursuant to the permit—
  - (i) in respect of the records required to be made in accordance with regulation 47(7)(d), provide the Registrar with the original records, or an electronic copy of the original records; or
  - (ii) if no firearms were acquired or supplied by the holder at the arms fair under the permit, provide a statement of "Nil Return" to the Registrar, in a form approved by the Registrar (which may be by electronic means); and
- (b) —
  - (i) if the original records were provided to the Registrar under paragraph (a)(i), keep the duplicate copy of the records; or
  - (ii) if an electronic copy of the original records was provided to the Registrar under paragraph (a)(i), keep the original records,

for at least 3 years.

Maximum penalty: \$5 000.

**49—Firearm refurbishment permits (section 8(2)(d) of Act)**

- (1) Subject to this regulation, the Registrar may, on application, grant a firearm refurbishment permit to a person authorising the person to possess firearms for the purpose of carrying on the business of refurbishing firearms.
- (2) The application must—
  - (a) be made in a manner and form approved by the Registrar; and
  - (b) include such information as the Registrar requires; and
  - (c) be accompanied by the prescribed application fee.
- (3) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.
- (4) The Registrar must not grant a permit under this regulation unless the Registrar is satisfied that the person is a fit and proper person to hold the permit.
- (5) The Registrar may exempt the holder of a permit issued under this regulation from provisions of the Act or these regulations, absolutely or subject to conditions.
- (6) A permit issued under this regulation is subject to the following conditions:
  - (a) the permit holder must, in respect of a firearm that comes into or leaves the possession of the permit holder for refurbishing, record in duplicate, in a form approved by the Registrar—
    - (i) the name and address of the person giving possession of the firearm to the permit holder and the licence number of the person's firearms licence; and
    - (ii) the name and address of the person taking possession of the firearm from the permit holder and the licence number of the person's firearms licence; and
    - (iii) the category, make, model, type, action, calibre and magazine capacity of the firearm; and
    - (iv) the number or characters constituting the identifying mark of the firearm; and
    - (v) the date on which the firearm came into, and left, the permit holder's possession; and
    - (vi) any other information as required by the Registrar;
  - (b) the permit holder must—
    - (i) keep the records made under the permit in accordance with paragraph (a) for at least 3 years; and
    - (ii) at the request of the Registrar, provide the original records, or a copy of the original records, (including by electronic means) to the Registrar within the time specified by the Registrar;
  - (c) the permit holder must allow a police officer to inspect, at any reasonable time, the firearms in the person's possession and the person's facilities for the storage and safe keeping of the firearms;

- (d) the permit holder must, on the request of a police officer, produce the permit to the officer;
- (e) the permit holder must—
  - (i) within 24 hours, unless the person has a reasonable excuse for not doing so, provide an oral report to a police officer; and
  - (ii) within 7 days, give the Registrar written notice, in a form approved by the Registrar,  
of the theft or loss of a firearm in the person's possession.
- (7) A permit—
  - (a) may be issued for such term (not exceeding 5 years) as the Registrar thinks fit; and
  - (b) is subject to (in addition to the limitations and conditions prescribed by this regulation) any limitations or conditions imposed by the Registrar; and
  - (c) may be varied or revoked by the Registrar at any time.
- (8) A permit may not be granted in relation to a prescribed firearm.
- (9) A permit issued under this regulation must specify any exemption that applies under subregulation (5).
- (10) In subregulation (6)(a), a reference to a firearms licence includes a reference to a firearms licence or a similar licence or authorisation issued under a corresponding law of another State or Territory of the Commonwealth.

## **50—Return of permit to Registrar**

- (1) If a permit granted to a person under this Division is revoked, the person must immediately return the permit to the Registrar.  
Maximum penalty: \$5 000.
- (2) A permit holder must return the permit to the Registrar in accordance with any directions given by the Registrar in order to vary the permit.  
Maximum penalty: \$5 000.

## **Part 4—Acquisition, supply and transfer of possession of firearms**

### **51—Prescribed process for acquisition of firearm**

**Note—**

For requirements that apply to the acquisition of a firearm by or from a licensed dealer (including the acquisition of a firearm by or from a licensed dealer as the agent of the owner of the firearm)—see regulation 53.

- (1) For the purposes of section 22(1)(b) of the Act, but subject to this regulation, the prescribed process for a person's acquisition of a firearm from another (the *supplier*) is as follows:
  - (a) the firearm must be delivered into the person's physical possession by the supplier while they are together in the presence of a prescribed person;

- (b) the delivery of the firearm must be witnessed by the prescribed person;
- (c) the person and the supplier must produce the licences and permit and provide the prescribed person with the information necessary to enable the prescribed person to comply with the prescribed person's obligations under paragraph (d);
- (d) the prescribed person must—
  - (i) be satisfied, by inspecting the relevant licence and permit that the person acquiring the firearm is entitled to acquire and possess it; and
  - (ii) at the time of the transaction, record in a form approved by the Registrar—
    - (A) the name and address of the supplier and the person acquiring the firearm and the licence number of the firearms licence held by each person; and
    - (B) the category, make, model, type, action, calibre and magazine capacity of the firearm; and
    - (C) the number or characters constituting the identifying mark of the firearm; and
    - (D) the date and time of the transaction; and
  - (iii) provide the Registrar with the original of the record within 7 days after the end of the month in which the transaction occurred, or as requested by the Registrar.
- (2) If a firearm is acquired from a person outside South Australia—
  - (a) subregulation (1) does not apply; and
  - (b) the person must acquire the firearm through a licensed dealer in this State, acting as an agent of the person.
- (3) If the person acquiring the firearm is a company or the supplier is a company, the requirements of subregulation (1) must be satisfied by the company's principal or secondary nominee on behalf of the company.
- (4) If a prescribed person is unable to comply with subregulation (1) because a person fails to produce the necessary licence or permit or to provide the necessary information, the prescribed person must prepare and submit a report to the Registrar setting out such information as the Registrar requires in relation to the matter.
- (5) A prescribed person may refuse to witness the delivery of a firearm under subregulation (1) if the person is not first paid the prescribed fee.
- (6) A licensed dealer, licensed employee of a dealer or a responsible officer of a recognised firearms club who agrees to witness the delivery of a firearm under subregulation (1) but fails to comply with a requirement under that provision or subregulation (4) is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (7) A licensed dealer must make a copy of a record made by the dealer or a licensed employee of the dealer under this regulation and the licensed dealer must keep the copy of the record at the premises specified in the dealer's licence for a period of not less than 3 years from the date on which the record was made.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (8) A responsible officer of a recognised firearms club must make a copy of a record made by the responsible officer under this regulation and the officer must keep the copy of the record at a place approved by the Registrar for a period of not less than 3 years from the date on which the record was made.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (9) In this regulation—  
***licensed employee of a licensed dealer*** means a person who holds a category 11 (dealer) licence as an employee of a licensed dealer;  
***prescribed person*** means—
- (a) a police officer; or
  - (b) a licensed dealer or a licensed employee of a licensed dealer who is acting in the ordinary course of the employee's employment; or
  - (c) a responsible officer of a recognised firearms club authorised by the Registrar to be a prescribed person for the purposes of this regulation; or
  - (d) a Public Service employee authorised by the Registrar to be a prescribed person for the purposes of this regulation.
- (10) In subregulations (1)(c), (1)(d) and (4), a reference to a firearms licence or permit includes a reference to a firearms licence or other licence, permit or corresponding authorisation, issued under a corresponding law of another State or Territory of the Commonwealth.

## **52—Retention and production of written loan or hire agreements for acquisition of firearms (other than from licensed dealers)**

- (1) For the purposes of section 22(8) of the Act, the following provisions apply to a written agreement for the loan or hire of a firearm:
- (a) each party must retain a copy of the agreement for the duration of the period for which the firearm is loaned or hired;
  - (b) the licensee borrowing or hiring the firearm must carry a copy of the agreement when the licensee has physical possession or control of the firearm to which the agreement relates;
  - (c) a party to the agreement must, at the request of a police officer, produce a copy of the agreement for inspection by the police officer as soon as is reasonably practicable after the request is made;
  - (d) a police officer may retain a copy of the agreement for such reasonable period of time as is necessary to make a copy of the agreement.

- (2) A person is guilty of an offence if the person fails or refuses, without reasonable excuse, to comply with a requirement under this regulation.

Maximum penalty: \$2 500.

**53—Requirements in relation to supply of firearm by licensed dealer  
(section 22(9) of Act)**

- (1) For the purposes of section 22(9) of the Act, a licensed dealer must, in respect of a firearm supplied by the dealer in the ordinary course of the dealer's business (including by the licensed dealer as the agent of the owner of the firearm) be satisfied that the person acquiring the firearm is entitled to acquire and possess the firearm—
- (a) in the case of a firearm supplied to another licensed dealer in the ordinary course of that dealer's business (including by that dealer as the agent of a person acquiring the firearm)—by inspecting the firearms licence (or if the dealer is not present in this State, a copy of the firearms licence) held by the dealer authorising the person to carry on the business of a dealer; or
  - (b) in the case of a firearm supplied to a person other than a licensed dealer—by inspecting the relevant firearms licence and permit held by the person.
- (2) In subregulation (1), a reference to a firearms licence or permit includes a reference to a firearms licence or other licence, permit or corresponding authorisation, issued under a corresponding law of another State or Territory of the Commonwealth.

**54—Licensed dealer records and returns relating to firearms and ammunition**

- (1) A licensed dealer must compile records and provide returns as required by this regulation in the manner and form approved by the Registrar for that purpose.
- (2) A licensed dealer must, in respect of a firearm acquired or supplied by the dealer, or that otherwise comes into or leaves the possession of the dealer in the ordinary course of the dealer carrying on the business of a dealer (including for hire, repair, consignment or safe keeping), record in duplicate, as the case requires—
- (a) the name and address of the owner of the firearm and the licence number of the firearms licence held by the owner of the firearm acquired by, or that otherwise comes into the possession of, the dealer (including if the dealer is acting as the agent of the owner of the firearm); and
  - (b) in the case of a firearm supplied by, or otherwise leaving the possession of, the dealer (including by the dealer acting as the agent of the owner of the firearm)—the name and address of the person acquiring, or otherwise taking possession of, the firearm, and the licence number of the firearms licence held by that person; and
  - (c) in the case of a firearm hired out by the dealer—the duration and terms of the hire agreement; and
  - (d) the category, make, model, type, action, calibre and magazine capacity of the firearm; and
  - (e) the number or characters constituting the identifying mark of the firearm; and
  - (f) any other information required by the Registrar.
- (3) Subregulation (2) does not apply to a transaction in respect of which records have been made by a dealer under regulation 51.

- (4) Within 7 days after the end of each month the dealer must, in respect of records required under subregulation (2)—
  - (a) deliver the original records in respect of that month to the Registrar; or
  - (b) provide a copy of the original records in respect of that month to the Registrar by electronic means.
- (5) If, during a month, no firearms have been acquired by or have otherwise come into the possession of the dealer, or no firearms have been supplied by or otherwise left the possession of the dealer, the dealer must provide a copy (including by electronic means) of the appropriate form to the Registrar containing the statement "Nil Return".
- (6) A licensed dealer must—
  - (a) compile such records as required by the Registrar with respect to ammunition bought or sold by the dealer in the ordinary course of the dealer carrying on the business of a dealer; and
  - (b) provide the Registrar with the original or an electronic copy of the records (as specified by the Registrar) at such times required by the Registrar.
- (7) The dealer must, in respect of records required under this regulation—
  - (a) if the original records have been delivered to the Registrar under this regulation—keep a duplicate copy of the records; or
  - (b) if the original records have been retained by the dealer—keep the original records,  
  
at the premises specified in the dealer's licence for a period of not less than 3 years from the date on which the record was made.
- (8) In subregulation (2), a reference to a firearms licence includes a reference to a firearms licence or similar licence or authorisation issued under a corresponding law of another jurisdiction.

### **55—Requirements relating to agreements for hire of firearms made with licensed dealers**

- (1) The following provisions apply to and in respect of agreements for the hire of firearms made between a person and a licensed dealer:
  - (a) the agreement for the hire of the firearm must include—
    - (i) the name and address of the dealer hiring the firearm to the person; and
    - (ii) the name and address of the person hiring the firearm from the dealer and the licence number of the firearms licence held by that person; and
    - (iii) the category, make, model, type, action, calibre and magazine capacity of the firearm; and
    - (iv) the duration and the terms of the hire agreement; and
    - (v) any other information required by the Registrar and notified to the dealer from time to time;

- (b) the dealer must provide a copy of the agreement for the hire of the firearm to the person hiring the firearm, at the time the person takes possession of the firearm;
  - (c) the person hiring the firearm must retain a copy of the agreement for the duration of the period for which the firearm is hired from the dealer;
  - (d) the person hiring the firearm must carry a copy of the agreement when the licensee has physical possession or control of the firearm to which the agreement relates;
  - (e) the person hiring the firearm must, at the request of a police officer, produce a copy of the agreement for inspection by the police officer as soon as is reasonably practicable after the request is made;
  - (f) a police officer may retain a copy of the agreement for such reasonable period of time as is necessary to make a copy of the agreement.
- (2) A person is guilty of an offence if the person fails or refuses, without reasonable excuse, to comply with a requirement under this regulation.  
Maximum penalty: \$2 500.
- (3) In subregulation (1)(a)(ii), a reference to a firearms licence includes a reference to a firearms licence or similar licence or authorisation issued under a corresponding law of another jurisdiction.

### **56—Return of permit to Registrar**

A person whose permit to acquire a firearm has been suspended or cancelled under the Act must immediately return the permit to the Registrar.

Maximum penalty: \$5 000.

### **57—Transfer of possession of firearms**

- (1) For the purposes of section 25 of the Act, the owner, or a person to whom the owner has transferred possession, of a firearm, has possession of the firearm (and therefore has not transferred possession of the firearm for the purposes of section 25) while the firearm is in his or her physical possession or under his or her control.
- (2) Without limiting subregulation (1), a firearm will be taken to be in the physical possession or under the control of the owner or a person to whom the owner has transferred possession—
- (a) while he or she is handling the firearm or the firearm is under his or her control; or
  - (b) while the firearm is—
    - (i) on premises at which the owner or other person usually resides or which he or she usually occupies or premises at which he or she is for the time being residing or which he or she is for the time being occupying; or
    - (ii) in a vehicle, vessel or aircraft in which the owner or other person is for the time being travelling or residing; or



- (c) where the firearm is in the possession of, or used by, the owner or other person in the course of carrying on a business—while the firearm is on premises at which that business is carried on; or
  - (d) while the firearm is in the physical possession or under the control of an employee of the owner of the firearm or other person in the course of that employment; or
  - (e) while the firearm is in the possession of a person on behalf of the owner or other person in the normal course of the first mentioned person—
    - (i) carrying on the business of transporting or storing goods; or
    - (ii) carrying on the business of refurbishing firearms; or
    - (iii) carrying on the business of manufacturing firearms or firearm parts.
- (3) For the purposes of section 25(1)(d) of the Act, the owner of a firearm who is the operator of a primary production business may transfer possession of the firearm to a person who holds a category 5 (primary production) licence who is engaged in the primary production business as an employee or relative of the operator of the business, for the purpose of transporting the firearm to the owner of the firearm in relation to the business, provided that the firearm is of a category that the person is authorised to possess under a firearms licence held by the person.

## **Part 5—Registration of firearms**

### **58—Registration of firearms—Application of Part 4 of Act**

Pursuant to section 26(b) of the Act, Part 4 of the Act does not apply to a firearm in the possession of a person under, and in accordance with, an agreement for the hire of the firearm from a licensed dealer made in the ordinary course of the dealer carrying on the business of a dealer.

### **59—Registration**

A person applying for registration of a firearm must produce the firearm to a police officer at the time the application is made.

### **60—Certificate of registration**

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

### **61—Registrar to be notified of certain events relating to registered firearms**

- (1) The person in whose name a firearm is registered must—
  - (a) within 24 hours, unless the person has a reasonable excuse for not doing so, provide an oral report to a police officer; and
  - (b) within 7 days, give the Registrar written notice, in a form approved by the Registrar,

of the loss, theft or destruction of the firearm or of any alteration made to the firearm that affects the nature or performance of the firearm.

Maximum penalty: \$5 000.

- (2) Without limiting subregulation (1), an alteration to a firearm will be taken to affect the nature and performance of the firearm if, as a result of the alteration, the firearm becomes a firearm of a different category.
- (3) The person in whose name a firearm is registered must, within 14 days, give the Registrar written notice, in a form approved by the Registrar, of a change of the person's address or name or any other detail recorded on the certificate of registration.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) The person in whose name a firearm is registered must, within 7 days, give the Registrar written notice, in a form approved by the Registrar, if the firearm is disposed of to a person outside South Australia.

Maximum penalty: \$5 000.

## **Part 6—Possession of ammunition**

### **62—Restriction on possession of certain ammunition**

- (1) Pursuant to section 34(4) of the Act, 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.

Maximum penalty: \$5 000.

- (2) Pursuant to section 34(4) of the Act, 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 19.1 mm.

Maximum penalty: \$5 000.

### **63—Return of permit to Registrar**

A person whose permit to possess ammunition has been suspended or cancelled must immediately return the permit to the Registrar.

Maximum penalty: \$1 250.

## **Part 7—Security of firearms and ammunition**

### **64—Code of practice**

For the purposes of section 35 of the Act, the Code of Practice for the Security, Storage and Transport of Firearms, Ammunition and Related Items is set out in Schedule 1.

## **Part 8—Prohibited practices relating to firearms and ammunition**

### **65—Alteration of firearms**

An alteration of a firearm, other than a category H firearm, that results in the firearm becoming a firearm of a different category by changing the barrel of the firearm, is permitted for the purposes of section 38(2)(b) of the Act, provided that the firearm, as so altered, is not a category H firearm.

### **66—Possession of sound moderators by licensed dealers for purpose of business of dealer**

- (1) An approval of the Registrar under section 39 of the Act held by a licensed dealer to acquire, own or possess a sound moderator in the ordinary course of the dealer's business is subject to the following conditions:
  - (a) the dealer must, before supplying a sound moderator to another person, be satisfied that the other person holds a written approval of the Registrar under section 39 of the Act to acquire, own or possess the sound moderator;
  - (b) the dealer must ensure that, when supplying a sound moderator to another (not being a licensed dealer), the sound moderator is delivered directly to the person, or in the case of a company that holds a firearms licence, to the company's principal nominee or secondary nominee, and not to any agent or carrier;
  - (c) the dealer must, in respect of a sound moderator acquired or supplied by the dealer (as the case requires), record in duplicate in the manner and form approved by the Registrar—
    - (i) the name and address of the person from whom the dealer acquired the sound moderator, and the number of the firearms licence held by the person; and
    - (ii) the name and address of the person acquiring the sound moderator and the number of the firearms licence held by the person; and
    - (iii) the number or characters constituting the identifying mark (if any) of the sound moderator; and
    - (iv) if the sound moderator is the subject of a hire agreement—the duration and terms of the hire agreement; and
    - (v) any other information required by the Registrar;
  - (d) the dealer must allow a police officer, on request, to inspect the records made under this regulation;
  - (e) the dealer must provide the Registrar with the information recorded under paragraph (c) in accordance with subregulations (3) and (4).
- (2) A licensed dealer who fails to comply with a condition of an approval under this regulation is guilty of an offence.

Maximum penalty: \$5 000.

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### Part 8—Prohibited practices relating to firearms and ammunition

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- (3) Within 7 days after the end of each month the dealer must, in respect of records required under subregulation (1)(c)—
- (a) deliver the original records in respect of that month to the Registrar; or
  - (b) provide a copy of the original records in respect of that month to the Registrar by electronic means.

Maximum penalty: \$2 500.

- (4) The dealer must, in respect of records required under this regulation—
- (a) if the original records have been delivered to the Registrar under subregulation (3)(a)—keep a duplicate copy of the records; or
  - (b) if the original records have been retained by the dealer—keep the original records,

at the dealer's premises for at least 3 years.

Maximum penalty: \$2 500.

### **67—Conditions of approvals imposed by Registrar relating to sound moderators and restricted firearm mechanisms**

- (1) Pursuant to section 39(14) of the Act, the Registrar may impose conditions or limitations on approvals granted with respect to sound moderators and restricted firearm mechanisms under that section.
- (2) A person who fails to comply with a condition or limitation of an approval imposed by the Registrar is guilty of an offence.

Maximum penalty: \$5 000.

### **68—Assembly of ammunition**

- (1) Pursuant to section 41(3)(e) of the Act, a junior licensee is excluded from the operation of section 41(3)(a) of the Act (and is not permitted to assemble ammunition) if—
- (a) the junior licensee is not, while assembling ammunition, under the immediate supervision of an adult who holds a firearms licence; and
  - (b) the ammunition is not for the personal use of—
    - (i) the junior licensee in a firearm lawfully in the junior licensee's possession in circumstances in which the junior licensee is authorised under the Act to use the firearm; or
    - (ii) the adult who is supervising the junior licensee, in the course of that supervision.

- (2) In this regulation—

*junior licensee* means—

- (a) a person 12 years of age or more and under 18 years of age who holds a category 1 (shooting club) licence; or
- (b) a person 15 years of age or more and under 18 years of age who holds a category 5 (primary production) licence as an employee or relative of the operator of a primary production business.

## **Part 9—Firearms clubs, commercial range operators and paint-ball operators**

### **Division 1—Firearms clubs**

#### **69—Recognition of firearms clubs**

- (1) The Registrar may, on application, declare a firearms club to be a recognised firearms club by notice in the Gazette.
- (2) An application for recognition of a firearms club—
  - (a) must be made to the Registrar in the manner and form approved by the Registrar; and
  - (b) must be accompanied by—
    - (i) a copy of the rules relating to the constitution, powers, management and administration of the club, and in the case of an application by a company, a copy of its constitution; and
    - (ii) 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 or, if the club is a company, a list of the names and addresses of the directors and shareholders of the company; and
    - (iii) a statement of the number of members of the club; and
    - (iv) a description of the current and proposed activities of the club; and
    - (v) if the activities of the club include shooting—
      - (A) a plan of the grounds regularly used by the club and a map showing the location of the grounds used for shooting activities; and
      - (B) a list of the names and addresses of members of the club who are authorised to supervise the activities of club members at the grounds; and
      - (C) evidence that the club has permission of the owner of the land on which the grounds are situated for the club's use of the grounds for shooting activities; and
      - (D) evidence that the club has permission of the owner of adjoining land over which projectiles may pass in the course of shooting activities at the grounds; and
      - (E) evidence of compliance with the requirements of any other Act relating to the use of land for shooting activities; and
    - (vi) such other information as the Registrar requires; and
    - (vii) the prescribed application fee.
- (3) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.

## **Firearms Regulations 2017**

### Part 9—Firearms clubs, commercial range operators and paint-ball operators

#### Division 1—Firearms clubs

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- (4) The Registrar may only refuse an application under this regulation if the Registrar is not satisfied that the club—
  - (a) has made the application in accordance with this regulation and met the requirements of the Registrar in connection with the application; or
  - (b) has at least 5 members; or
  - (c) is a company or an incorporated association; or
  - (d) conducts, or will conduct, its activities in a safe and responsible manner; or
  - (e) will hold at least 4 meetings in the 12 month period commencing on the day on which notice of recognition is published in the Gazette and in each subsequent 12 month period.
- (5) The Registrar must, if the Registrar refuses an application under this regulation, provide the applicant with a written statement setting out the reasons for the refusal.
- (6) The Registrar may, if at any time the Registrar is satisfied that a recognised firearms club—
  - (a) no longer conducts its activities in a safe and responsible manner; or
  - (b) no longer satisfies or has not satisfied the other requirements referred to in subregulation (4); or
  - (c) has failed to comply with the Act or these regulations,by notice in the Gazette, revoke the recognition of the club.
- (7) Before revoking the recognition of a firearms club, the Registrar must—
  - (a) give the club at least 2 months written notice of the proposed action setting out the Registrar's reasons for the proposed action; and
  - (b) give the club a reasonable opportunity to make written or oral submissions to the Registrar in relation to the proposed action.
- (8) The club must, on receiving notice of the proposed action, inform its members in writing of the proposed action.

#### **70—Approval of grounds of recognised firearms clubs**

- (1) If any activity involving the use of a firearm takes place on grounds of a recognised firearms club and the grounds are not approved under this regulation in relation to that activity, recognition of the club under this Division is by force of this regulation revoked.
- (2) An application for approval of grounds for use in connection with the activities of a recognised firearms club may be made to the Registrar by the club and must—
  - (a) be in the manner and form approved by the Registrar; and
  - (b) contain such information as the Registrar requires; and
  - (c) be accompanied by the prescribed application fee.
- (3) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.

- (4) If the Registrar is satisfied that—
- (a) the activities of the recognised firearms club involving the use of a firearm (if any) may be conducted safely at the grounds of the club; and
  - (b) the grounds of the recognised firearms club are suitable for the purpose of the activities of the club,
- the Registrar may approve the grounds for use in connection with those activities.
- (5) If the Registrar refuses an application for approval, the Registrar must provide the applicant with a written statement setting out the reasons for the refusal.
- (6) An approval under this regulation is subject to the following conditions:
- (a) no activity involving the possession or use of a firearm may take place at the grounds of the recognised firearms club unless the activity is approved by the Registrar;
  - (b) the grounds of the recognised firearms club, as approved by the Registrar, must not be subject to significant alteration without the further approval of the Registrar;
  - (c) the recognised firearms club must ensure that the activities of the club that involve the use of a firearm are under the supervision of—
    - (i) in the case of a club that is a company that holds a category 1 (shooting club) licence—
      - (A) the company's principal or secondary nominee; or
      - (B) a member of the club authorised by the governing body of the club to supervise such activities; or
    - (ii) in any other case—a member of the controlling body of the club, or a member of the club authorised by the controlling body of the club to supervise such activities;
  - (d) the Registrar, a police officer or some other person authorised by the Registrar may at any reasonable time enter the grounds of the recognised firearms club to do 1 or more of the following:
    - (i) inspect the grounds;
    - (ii) inspect any firearms on the grounds;
    - (iii) inspect any records required to be kept under the Act or condition of an approval of the grounds;
  - (e) if the safety of persons is adversely affected or threatened by an incident involving the use of a firearm that occurs on the grounds of the recognised firearms club, or in the course of an activity of the club, the club must—
    - (i) notify the Registrar of the occurrence and the surrounding circumstances as soon as reasonably practicable; and
    - (ii) provide a written report to the Registrar within 7 days of the occurrence that contains such information in relation to the matter that the Registrar requires.

## **Firearms Regulations 2017**

### Part 9—Firearms clubs, commercial range operators and paint-ball operators

#### Division 1—Firearms clubs

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- (7) In addition to the conditions set out in subregulation (6), an approval under this regulation is subject to any conditions imposed by the Registrar (which may include a condition limiting the periods during which the grounds may be used by the operator).
- (8) The Registrar may impose conditions under subregulation (7) on the approval of the grounds or subsequently.
- (9) The Registrar may, on the Registrar's own initiative or on application by a recognised firearms club, vary or revoke conditions of an approval.
- (10) If at any time the Registrar is satisfied that grounds approved under this regulation would not be approved if application for approval were made at that time or that a condition of the approval has been contravened, the Registrar may, by written notice to the club, revoke the approval.
- (11) Before revoking an approval or varying conditions of an approval on the Registrar's own initiative, the Registrar must—
  - (a) give the club at least 2 months written notice of the proposed revocation or variation setting out the Registrar's reasons for the proposed revocation or variation; and
  - (b) give the club a reasonable opportunity to make written or oral submissions to the Registrar in relation to the proposed revocation or variation.
- (12) The Registrar, a police officer or some other person authorised by the Registrar, may, for the purposes of determining an application for approval under this regulation, enter and inspect the proposed grounds of a firearms club at any reasonable time.

#### **71—Breach of conditions of approval of grounds of recognised firearms club**

A recognised firearms club that fails to comply with a condition of the approval of the grounds of the club is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$1 250.

#### **72—Certificate of recognition of club**

- (1) If the Registrar 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 grounds; and
  - (c) the current activities (and the proposed activities if any) of the club.
- (2) The recognised firearms club must display the certificate, or a copy of the certificate, in a prominent position on its premises or at the grounds used by it.

Maximum penalty: \$2 500.

Expiation fee: \$210.



### **73—Registrar to be notified of certain changes**

- (1) A recognised firearms club must, within 28 days after variation in or addition to the activities of the club involving the possession or use of a firearm has been approved by Registrar, provide the Registrar with a description of the variation in or addition to the activities of the club.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A recognised firearms club must, within 28 days after a variation to the rules of the club, or in the case of a club that is a company, a variation of its constitution, comes into force, provide the Registrar with the text of the variation to the rules or the constitution.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A recognised firearms club must, within 28 days after a change in the membership of the controlling body of the club, or in the case of a club that is a company, a change in the directors or shareholders of the company has occurred, provide the Registrar with the following (as the case requires):

- (a) the names and addresses of the controlling body and the office (if any) held by each member;
- (b) the names of the persons who have ceased to be directors or shareholders of the company and the names and addresses of persons who have become directors or shareholders of the company.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A recognised firearms club must, 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.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **74—Acceptance of new members**

- (1) A recognised firearms club that is a shooting club must not grant an application for membership of the club unless—

- (a) the applicant has produced to the club—
  - (i) a firearms licence held by the applicant; or
  - (ii) a notice issued by the Registrar under regulation 28 to the applicant within the preceding 60 days; or
  - (iii) a notice issued by the Registrar within the preceding 60 days, stating that the Registrar is satisfied that the applicant is a fit and proper person to be granted membership of a shooting club; and

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#### Division 1—Firearms clubs

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- (b) if the applicant holds a licence authorising the applicant to possess a category H firearm for use as a member of a shooting club or the applicant intends to use a category H firearm in the course of the applicant's membership of the club—the applicant has, in addition, produced to the club—
  - (i) 2 references each of which appears to have been signed by a person within the preceding 60 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
  - (ii) a criminal history report (such as a National Police Certificate) relating to the person provided by South Australia Police or the ACC or an ACC accredited agency or broker within the preceding 12 months.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A recognised firearms club that is a collectors' club must not grant an application for membership of the club unless the applicant has produced to the club—
  - (a) a firearms licence held by the applicant; or
  - (b) a notice issued by the Registrar under regulation 28 to the applicant within the preceding 60 days; or
  - (c) a notice issued by the Registrar within the preceding 60 days, stating that the Registrar is satisfied that the applicant is a fit and proper person to be granted membership of a collectors' club.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) In this regulation—

*ACC* means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* of the Commonwealth.

## 75—Records to be kept by clubs

- (1) A recognised firearms club must make records, in the manner and form approved by the Registrar, of—
  - (a) in respect of each person granted membership of the club, the actions taken in compliance with regulation 74; and
  - (b) participation by members of the club, or visitors to 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).

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) Records referred to in subregulation (1)—
  - (a) may be made and kept in electronic form; and

- (b) must be kept by the club for at least 3 years; and
- (c) must be produced for inspection (including by electronic means) when requested by the Registrar.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **76—Registrar to be notified of 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.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **Division 2—Commercial range operators**

### **77—Recognition of commercial range operators**

- (1) The Registrar may, on application, declare a person to be a recognised commercial range operator by notice in the Gazette.
- (2) An application under this regulation—
  - (a) must be made to the Registrar in the manner and form approved by the Registrar; and
  - (b) must be accompanied by—
    - (i) a description of the proposed activities of the operator; and
    - (ii) a plan of the range proposed to be used by the operator and a map showing the location of the range; and
    - (iii) a list of the names and addresses of the persons who are authorised to supervise the activities of persons on the range; and
    - (iv) 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
    - (v) evidence of the operator's intention to install firearm tethering devices or other protective safety devices that satisfy the requirements of the Registrar for the safe use of firearms at the range; and
    - (vi) evidence of compliance with the requirements of any other Act relating to the use of land as the range of a commercial range operator; and
    - (vii) in the case of an application by a company—
      - (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; and
    - (viii) such other information as the Registrar requires; and

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#### Division 2—Commercial range operators

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- (ix) the prescribed application fee.
- (3) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.
- (4) The Registrar may only refuse an application under this regulation if the Registrar is not satisfied that the person—
  - (a) has made the application in accordance with this regulation and met the requirements of the Registrar in connection with the application; or
  - (b) would conduct the person's activities as a commercial range operator in a safe and responsible manner.
- (5) The Registrar must, if the Registrar refuses an application under this regulation, provide the applicant with a written statement setting out the reasons for the refusal.
- (6) The Registrar may, if at any time the Registrar is satisfied that a recognised commercial range operator has failed to comply with the Act or these regulations, or no longer conducts the operator's activities in a safe and responsible manner, by notice in the Gazette, revoke the recognition of the operator.
- (7) Before revoking the recognition of a commercial range operator, the Registrar must—
  - (a) give the operator at least 2 months written notice of the proposed action setting out the Registrar's reasons for the proposed action; and
  - (b) give the operator a reasonable opportunity to make written or oral submissions to the Registrar in relation to the proposed action.

#### **78—Approval of ranges of recognised commercial range operators**

- (1) If any activity involving the use of a firearm takes place at the range of a recognised commercial range operator and the range is not approved under this regulation in relation to that activity, recognition of the operator under this Division is by force of this regulation revoked.
- (2) An application for approval of the range for use in connection with the activities of a recognised commercial range operator may be made to the Registrar by the operator and must—
  - (a) be in the manner and form approved by the Registrar; and
  - (b) contain such information as the Registrar requires; and
  - (c) be accompanied by the prescribed application fee.
- (3) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.
- (4) If the Registrar is satisfied that—
  - (a) the activities of the recognised commercial range operator involving the use of a firearm may be conducted safely at the range; and
  - (b) the range of the recognised commercial range operator is suitable for the purpose of the activities of the operator,

the Registrar may approve the range for use in connection with those activities.

- (5) If the Registrar refuses an application for approval, the Registrar must provide the applicant with a written statement setting out the reasons for the refusal.
- (6) An approval under this regulation is subject to the following conditions:
- (a) no activity involving the possession or use of a firearm may take place at the range of the recognised commercial range operator unless the activity is approved by the Registrar;
  - (b) firearm tethering devices and other protective safety devices, as specified and approved by the Registrar, must be installed at the range;
  - (c) the range of the recognised commercial range operator, as approved by the Registrar, must not be subject to significant alteration without the further approval of the Registrar;
  - (d) the recognised commercial range operator must ensure that a person who does not hold a firearms licence is not permitted to use a firearm at the approved range of the operator unless—
    - (i) —
      - (A) the firearm being used by the person is fixed to a firearm tethering device approved by the Registrar, in a manner that complies with the requirements of the Registrar; and
      - (B) any other protective safety devices, as specified and approved by the Registrar are operating, or being used, in accordance with the requirements of the Registrar; or
    - (ii) the person is undertaking a course in the safe handling, carriage and use of firearms nominated by the Registrar, and the person is using the firearm for that purpose, under the immediate supervision of a person authorised by the Registrar to conduct such a course;
  - (e) the recognised commercial range operator must ensure that the use of firearms at the approved range of the operator is under the continuous supervision of the operator or a person who holds a category 8 (commercial range) licence, who is engaged in the business of the operator as an employee of the operator;
  - (f) the Registrar, a police officer or some other person authorised by the Registrar may, at any reasonable time, enter the range of a recognised commercial range operator to do 1 or more of the following:
    - (i) inspect the range;
    - (ii) inspect any firearms on the range;
    - (iii) inspect any records required to be kept under the Act or a condition of an approval of the range;
  - (g) if the safety of persons is adversely affected or threatened by an incident involving the use of a firearm that occurs at the range of the recognised commercial range operator, the operator must—
    - (i) notify the Registrar of the occurrence and the surrounding circumstances as soon as reasonably practicable; and

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- (ii) provide a written report to the Registrar within 7 days of the occurrence that contains such information in relation to the matter that the Registrar requires.
- (7) In addition to the conditions set out in subregulation (6), an approval under this regulation is subject to any conditions imposed by the Registrar (which may include a condition limiting the periods during which the range may be used by the operator).
- (8) The Registrar may impose conditions under subregulation (7) on the approval of the range or subsequently.
- (9) The Registrar may, on the Registrar's own initiative or on application by a recognised commercial range operator, vary or revoke conditions of an approval.
- (10) If at any time the Registrar is satisfied that a range approved under this regulation would not be approved if application for approval were made at that time or that a condition of the approval has been contravened, the Registrar may, by written notice to the operator, revoke the approval.
- (11) Before revoking an approval or varying conditions of an approval on the Registrar's own initiative, the Registrar must—
  - (a) give the operator at least 2 months written notice of the proposed revocation or variation setting out the Registrar's reasons for the proposed revocation or variation; and
  - (b) give the operator a reasonable opportunity to make written or oral submissions to the Registrar in relation to the proposed revocation or variation.
- (12) The Registrar, a police officer or some other person authorised by the Registrar may, for the purposes of determining an application for approval under this regulation, enter and inspect the proposed range of a commercial range operator at any reasonable time.

### **79—Breach of conditions of approval of range of recognised commercial range operator**

If a recognised commercial range operator fails to comply with a condition of the approval of the range of the operator, the operator is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$1 250.

### **80—Certificate of recognition of commercial range operator**

- (1) If the Registrar has declared a person to be a 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 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 range used by the operator.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **81—Registrar to be notified of certain changes**

- (1) A recognised commercial range operator must, within 28 days after a variation in or addition to the activities of the operator has been approved by the Registrar, provide the Registrar with a description of the variation in or addition to the activities of the operator.
- Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (2) A 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 (as the case requires)—
- (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.
- Maximum penalty: \$2 500.  
Expiation fee: \$210.
- (3) A recognised commercial range operator must, 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.
- Maximum penalty: \$2 500.  
Expiation fee: \$210.

### **82—Employees engaged in business of recognised commercial range operator**

If a person is engaged in the business of a recognised commercial range operator as an employee of the operator and is supervising the use of firearms on the approved range of the operator, the employee must not permit a person who does not hold a firearms licence to use a firearm at the range unless—

- (a) —
  - (i) the firearm being used by the person is fixed to a firearm tethering device installed by the operator; and
  - (ii) any other protective safety devices installed by the operator are operating, or being used, as required by the operator; or
- (b) the employee is satisfied on reasonable grounds that the person—
  - (i) is undertaking a course in the safe handling, carriage and use of firearms; and
  - (ii) is using the firearm for that purpose under the immediate supervision of a person authorised by the Registrar to conduct such a course.

Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **Division 3—Paint-ball operators**

### **83—Recognition of paint-ball operators**

- (1) The Registrar may, on application, declare a person to be a recognised paint-ball operator by notice in the Gazette.
- (2) An application under this regulation—
  - (a) must be made to the Registrar in the manner and form approved by the Registrar; and
  - (b) must be accompanied by—
    - (i) a description of the proposed activities of the operator; and
    - (ii) a plan of the grounds proposed to be used by the operator and a map showing the location of the grounds; and
    - (iii) a list of the names and addresses of the persons who are authorised to supervise the activities of persons on those grounds; and
    - (iv) 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
    - (v) evidence of compliance with the requirements of any other Act relating to use of land as grounds of a paint-ball operator; and
    - (vi) in the case of an application by a company—
      - (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; and
    - (vii) such other information as the Registrar requires; and
    - (viii) the prescribed application fee.
- (3) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.
- (4) The Registrar may only refuse an application under this regulation if the Registrar is not satisfied that the person—
  - (a) has made the application in accordance with this regulation and met the requirements of the Registrar in connection with the application; or
  - (b) would conduct the person's activities as a paint-ball operator in a safe and responsible manner.
- (5) The Registrar must, if the Registrar refuses an application under this regulation, provide the applicant with a written statement setting out the reasons for the refusal.
- (6) The Registrar may, if at any time the Registrar is satisfied that a recognised paint-ball operator has failed to comply with the Act or these regulations, or no longer conducts the operator's activities in a safe and responsible manner, by notice in the Gazette, revoke the recognition of the operator.



- (7) Before revoking the recognition of a paint-ball operator, the Registrar must—
- (a) give the operator at least 2 months written notice of the proposed action setting out the Registrar's reasons for the proposed action; and
  - (b) give the operator a reasonable opportunity to make written or oral submissions to the Registrar in relation to the proposed action.

#### **84—Approval of grounds of recognised paint-ball operators**

- (1) If any activity involving the use of a firearm takes place on grounds of a recognised paint-ball operator and the grounds are not approved under this regulation in relation to that activity, recognition of the operator under this Division is by force of this regulation revoked.
- (2) An application for approval of grounds for use in connection with the activities of a recognised paint-ball operator may be made to the Registrar by the operator and must—
- (a) be in the manner and form approved by the Registrar; and
  - (b) contain such information as the Registrar requires; and
  - (c) be accompanied by the prescribed application fee.
- (3) The Registrar may require an applicant to provide any further information the Registrar requires to determine the application.
- (4) If the Registrar is satisfied that—
- (a) the activities of the recognised paint-ball operator involving the use of a firearm may be conducted safely at the grounds of the operator; and
  - (b) the grounds of the recognised paint-ball operator are suitable for the purpose of the activities of the operator,
- the Registrar may approve the grounds for use in connection with those activities.
- (5) If the Registrar refuses an application for approval, the Registrar must provide the applicant with a written statement setting out the reasons for the refusal.
- (6) An approval under this regulation is subject to the following conditions:
- (a) no activity involving the possession or use of a firearm may take place at the grounds of the recognised paint-ball operator unless the activity is approved by the Registrar;
  - (b) the grounds of the recognised paint-ball operator, as approved by the Registrar, must not be subject to significant alteration without the further approval of the Registrar;
  - (c) the recognised paint-ball operator must ensure that the use of firearms at the approved grounds of the operator is under the supervision of the operator or an accredited paint-ball employee engaged as an employee in the business of the operator;
  - (d) the Registrar, a police officer or some other person authorised by the Registrar may, at any reasonable time, enter the grounds of a recognised paint-ball operator to do 1 or more of the following:
    - (i) inspect the grounds;

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- (ii) inspect any firearms on the grounds;
    - (iii) inspect any records required to be kept under the Act or condition of an approval of the grounds;
  - (e) if the safety of persons is adversely affected or threatened by an incident involving the use of a firearm that occurs on the grounds of the recognised paint-ball operator, or in the course of the conduct of paint-ball operations on those grounds, the operator must—
    - (i) notify the Registrar of the occurrence and the surrounding circumstances as soon as reasonably practicable; and
    - (ii) provide a written report to the Registrar within 7 days of the occurrence that contains such information in relation to the matter that the Registrar requires.
- (7) In addition to the conditions set out in subregulation (6), an approval under this regulation is subject to any conditions imposed by the Registrar (which may include a condition limiting the periods during which the grounds may be used by the operator).
- (8) The Registrar may impose conditions under subregulation (7) on the approval of the grounds or subsequently.
- (9) The Registrar may, on the Registrar's own initiative or on application by a recognised paint-ball operator, vary or revoke conditions of an approval.
- (10) If at any time the Registrar is satisfied that grounds approved under this regulation would not be approved if application for approval were made at that time or that a condition of the approval has been contravened, the Registrar may, by written notice to the operator, revoke the approval.
- (11) Before revoking an approval or varying conditions of an approval on the Registrar's own initiative, the Registrar must—
  - (a) give the operator at least 2 months written notice of the proposed revocation or variation setting out the Registrar's reasons for the proposed revocation or variation; and
  - (b) give the operator a reasonable opportunity to make written or oral submissions to the Registrar in relation to the proposed revocation or variation.
- (12) The Registrar, a police officer or some other person authorised by the Registrar may, for the purposes of determining an application for approval under this regulation, enter and inspect the proposed grounds of the paint-ball operator at any reasonable time.

### **85—Breach of conditions of approval of grounds of recognised paint-ball operator**

If a recognised paint-ball operator fails to comply with a condition of the approval of the grounds of the operator, the operator is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$1 250.

### **86—Certificate of recognition of recognised paint-ball operator**

- (1) If the Registrar has declared a person to be a recognised paint-ball 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; 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 used by the operator.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **87—Registrar to be notified of certain changes**

- (1) A recognised paint-ball operator must, within 28 days after a variation in or addition to the activities of the operator has been approved by the Registrar, provide the Registrar with a description of the variation in or addition to the activities of the operator.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A recognised paint-ball 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 the following (as the case requires):

- (c) the text of the variation to the constitution;
- (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.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A recognised paint-ball operator must, 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.

Maximum penalty: \$2 500.

Expiation fee: \$210.

### **88—Accreditation of paint-ball employees**

- (1) This regulation applies in relation to both the initial grant of accreditation and the renewal of accreditation of a person as an accredited paint-ball employee.
- (2) The Registrar may, on the application of a person in a manner approved by the Registrar, grant the person accreditation as an accredited paint-ball employee if the Registrar is satisfied—
  - (a) as to the identity and the residential address of the person; and

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- (b) that the person is a fit and proper person to be an accredited paint-ball employee; and
  - (c) that the person has satisfactorily completed a course of training (and in the case of an application for renewal of accreditation, any further training) in the safe handling, management and use of paint-ball firearms nominated by the Registrar.
- (3) The Registrar may require the applicant to provide—
  - (a) written verification of the completion of specified training; and
  - (b) any other documents or information the Registrar requires to determine the application.
- (4) The accreditation of a person as an accredited paint-ball employee may be granted for such term (not exceeding 5 years) as specified by the Registrar, and subject to such conditions as the Registrar thinks fit.
- (5) If the Registrar grants a person accreditation as an accredited paint-ball employee, the Registrar must provide the person with a certificate of accreditation in the form approved by the Registrar.
- (6) The Registrar may cancel the accreditation of a person as an accredited paint-ball employee if the Registrar is no longer satisfied that the person is a fit and proper person to be so accredited.
- (7) If the Registrar cancels the accreditation of a person as an accredited paint-ball employee, the person must immediately return the person's certificate of accreditation to the Registrar.

Maximum penalty: \$750.

### **89—Training of accredited paint-ball employees**

- (1) A recognised paint-ball operator, or such other person authorised by the Registrar, may conduct a course in the safe handling, management and use of paint-ball firearms nominated by the Registrar for the purposes of the accreditation of persons as accredited paint-ball employees under regulation 88.
- (2) A person who conducts a course under this regulation must—
  - (a) 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; and
  - (b) produce those records to the Registrar, as and when required by the Registrar.

Maximum penalty: \$2 500.

- (3) A person who conducts a course under this regulation must provide the Registrar with information relating to courses conducted by the person as and when required by the Registrar.

Maximum penalty: \$2 500.

## 90—Employment of persons by recognised paint-ball operators

- (1) A recognised paint-ball operator must not, on or after the first anniversary of the commencement of this regulation, employ a person who is not an accredited paint-ball employee for the purposes of the business of the operator if the person will, in the course of the person's employment, possess or use a paint-ball firearm or supervise paint-ball operations on the grounds of the operator.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) In this section—

*employ* a person includes engage the person as an agent.

## Part 10—Reviews by Tribunal

### 91—Reviewable decision

For the purposes of section 47(1)(h) of the Act, the following decisions of the Registrar are reviewable:

- (a) a decision to refuse to recognise a firearms club, commercial range operator or paint-ball operator or to revoke such recognition;
- (b) a decision to refuse to approve the grounds or range of a recognised firearms club, recognised commercial range operator or recognised paint-ball operator or to revoke such approval;
- (c) a decision to impose conditions on an approval of the grounds or range of a recognised firearms club, recognised commercial range operator or recognised paint-ball operator or to revoke or vary such conditions.

## Part 11—Mandatory reporting and other obligations

### 92—Report of unsafe situations in relation to place where firearm kept

- (1) If a person who resides at, or has access to, premises where a firearm is kept has reasonable cause to suspect that another person who resides at, or has access to, those premises is suffering from a physical or mental illness, condition or disorder, or that other circumstances exist in relation to that other person, such that there is a threat to the safety of the first mentioned person, or the safety of another associated with the continued keeping of the firearm at those premises, the first mentioned person must, as soon as practicable after the suspicion is formed, make a report to the Registrar including—

- (a) the name and address of the person the subject of the suspicion; and
- (b) the location of the premises in which the firearm is kept (if different from the address referred to in paragraph (a)); and
- (c) the suspected threat to safety and the circumstances giving rise to the threat (including the nature of any physical or mental illness, condition or disorder contributing to the threat).

Maximum penalty: \$2 500.

Expiation fee: \$315.

- (2) A person incurs no civil or criminal liability in making a report in good faith in compliance, or purported compliance, with this regulation.

**93—Report of failure to secure firearms, ammunition, sound moderators and restricted firearm mechanisms**

- (1) If a person becomes aware that another person who has possession of a firearm or ammunition, or a sound moderator or restricted firearm mechanism, has failed to secure the firearm, ammunition, sound moderator or restricted firearm mechanism in accordance with the requirements of the Act or these regulations, the person must, as soon as is reasonably practicable, make a report to the Registrar including—
- (a) the name and address of the other person; and
  - (b) the location of the premises at which the firearm, ammunition, sound moderator or restricted firearm mechanism is located (if different from the address referred to in paragraph (a)); and
  - (c) the circumstances giving rise to the report.

Maximum penalty: \$2 500.

Expiation fee: \$315.

- (2) A person incurs no civil or criminal liability in making a report in good faith in compliance, or purported compliance, with this regulation.

**94—Clubs and commercial range and paint-ball operators to report unsafe situations associated with firearms**

- (1) If the controlling body of a recognised firearms club has reasonable cause to suspect in relation to a member of the club that the member is suffering from a physical or mental illness, condition or disorder, or that other circumstances exist, such that there is a threat to the member's own safety or the safety of another associated with the member's possession or use of a firearm, the club must, as soon as practicable after the suspicion is formed, make a report to the Registrar including—
- (a) the name and address of the person the subject of the suspicion; and
  - (b) the suspected threat to safety and circumstances giving rise to the threat (including the nature of any physical or mental illness, condition or disorder contributing to the threat).
- (2) If a member of a recognised firearms club or a person employed or engaged at the grounds of a recognised firearms club has reasonable cause to suspect that a person who has gained or attempted to gain access to the grounds of the club is prohibited from possessing or using a firearm by an order of a court whether in South Australia or any other State or Territory of the Commonwealth or by a firearms prohibition order or a similar order under corresponding legislation of another State or Territory of the Commonwealth, the member or person must, as soon as practicable after the suspicion is formed, report the matter to a police officer.

- (3) If a commercial range operator or a person employed or engaged at the range of a commercial range operator has reasonable cause to suspect that a person who has gained or attempted to gain access to the range of the operator is prohibited from possessing or using a firearm by an order of a court whether in South Australia or any other State or Territory of the Commonwealth or by a firearms prohibition order or a similar order under corresponding legislation of another State or Territory of the Commonwealth, the operator or person must, as soon as practicable after the suspicion is formed, report the matter to a police officer.
- (4) If a paint-ball operator or an accredited paint-ball employee or other person employed or engaged at the grounds of a paint-ball operator has reasonable cause to suspect that a person who has gained or attempted to gain access to the grounds of the operator is prohibited from possessing or using a firearm by an order of a court whether in South Australia or any other State or Territory of the Commonwealth or by a firearms prohibition order or a similar order under corresponding legislation of another State or Territory of the Commonwealth, the operator, accredited paint-ball employee or other person must, as soon as practicable after the suspicion is formed, report the matter to a police officer.
- (5) A person incurs no civil or criminal liability in making a report in good faith in compliance, or purported compliance, with this regulation.

#### **95—Clubs to expel certain persons from membership**

- (1) If the controlling body of a recognised firearms club has reasonable cause to believe that—
  - (a) the actions or behaviour of a member of the club has been such that there is a threat to the member's own safety or the safety of others associated with the member's possession or use of a firearm; or
  - (b) a member of the club is prohibited from possessing or using a firearm by an order of a court whether in South Australia or any other State or Territory of the Commonwealth or by a firearms prohibition order or a similar order under corresponding legislation of another State or Territory of the Commonwealth,the controlling body must expel the person from membership of the club.
- (2) Subregulation (1)(b) does not apply—
  - (a) to an interim firearms prohibition order; or
  - (b) to any other order until the period allowed for an appeal against the order has expired or, if an appeal has been instituted, until the appeal lapses or is finally determined.
- (3) A person incurs no civil or criminal liability as a result of action taken in good faith in compliance, or purported compliance, with this regulation.

**96—Medical practitioners, employers etc to report unsafe situations associated with firearms**

- (1) If a designated person has reasonable cause to suspect in relation to a person whom the designated person has seen in the designated person's professional capacity—
  - (a) that the person is suffering from a physical or mental illness, condition or disorder, or that other circumstances exist, such that there is a threat to the person's own safety or the safety of another associated with the person's possession or use of a firearm; and
  - (b) that the person has, or might be intending to acquire, a firearm,the designated person must make a report to the Registrar under this regulation.
- (2) If an employer has reasonable cause to suspect in relation to an employee whose work with the employer involves the possession or use of a firearm that the employee is suffering from a physical or mental illness, condition or disorder, or that other circumstances exist, such that there is a threat to the employee's own safety or the safety of another associated with the employee's possession or use of a firearm, the employer must make a report to the Registrar under this regulation.
- (3) A report under this regulation—
  - (a) must be made as soon as practicable after the suspicion is formed; and
  - (b) must include—
    - (i) the name and address of the person the subject of the suspicion; and
    - (ii) the suspected threat to safety and circumstances giving rise to the threat (including the nature of any physical or mental illness, condition or disorder contributing to the threat).
- (4) A person incurs no civil or criminal liability in making a report in good faith in compliance, or purported compliance, with this regulation.
- (5) In subregulation (1)—

**designated person** means—

  - (a) a medical practitioner; or
  - (b) a nurse; or
  - (c) a psychologist; or
  - (d) a professional counsellor; or
  - (e) a social worker.

**97—Obligations of medical practitioners in relation to wounds inflicted by firearms**

- (1) If a medical practitioner or nurse has reasonable cause to suspect in relation to a person whom the medical practitioner or nurse has seen in a professional capacity, that the person is suffering from a wound inflicted by a firearm, the medical practitioner or nurse must make a report to the Registrar under this regulation.
- (2) A report under this regulation—
  - (a) must be made as soon as practicable after the suspicion is formed; and



- (b) must include—
  - (i) the name and address of the person the subject of the suspicion or, if the name and address are not known, a description of the person; and
  - (ii) details of the wound including whether any ammunition or fragment of ammunition has been, or may be recovered from the wound; and
  - (iii) any information provided to the practitioner or nurse about the circumstances leading to the infliction of the wound.
- (3) A medical practitioner or nurse who treats a person for a wound that the practitioner or nurse has reasonable cause to suspect was inflicted by a firearm must take reasonable steps to retain any ammunition or fragment of ammunition recovered from the wound until it can be collected by a police officer.
- (4) A person incurs no civil or criminal liability in making a report in good faith in compliance, or purported compliance, with this regulation.

## **Part 12—Miscellaneous**

### **98—Possession of certain firearms and ammunition at arms fairs**

- (1) This regulation applies to a person other than the holder of a category 11 (dealer) licence or a foreign firearms dealer permit.
- (2) A person to whom this regulation applies must not—
  - (a) have possession of a firearm at an arms fair, other than a category A, B or H firearm; or
  - (b) have possession of a firearm part at an arms fair, other than a firearm part for a category A, B or H firearm.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) A person to whom this regulation applies must not display 2 or more identical firearms or firearm parts or more than 50 rounds of identical ammunition at an arms fair.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **99—Register of firearms prohibition orders**

A register of firearms prohibition orders maintained for the purposes of section 50 of the Act must contain the following information in relation to each order:

- (a) the full name of the person to whom the order applies;
- (b) the date on which the order was issued;
- (c) the details of any exemption from a provision of section 45 of the Act (including any conditions that apply to the exemption) granted by the Registrar under section 45(17) of the Act.

### **100—Prescribed health professional**

For the purposes of paragraph (c) of the definition of *health professional* in section 53(2) of the Act, a nurse is a person of a prescribed class.

### **101—Advertising firearms for sale**

- (1) A person (other than a licensed dealer) who advertises a firearm for sale must include in the advertisement—
  - (a) the number or characters constituting the identifying mark of the firearm; and
  - (b) a statement that delivery of the firearm to a purchaser in South Australia must take place in the presence of, and be witnessed by, a police officer, a licensed dealer or a licensed employee of a licensed dealer, a responsible officer of a recognised firearms club authorised by the Registrar or an authorised Public Service employee in accordance with regulation 51 of the *Firearms Regulations 2017*.

Maximum penalty: \$2 500.

Expiation fee: \$315.

- (2) It is a defence to a charge of an offence against subregulation (1)(b) to prove—
  - (a) in the case of an advertisement that is published (including by electronic means)—that the statement was included by the publisher so as to appear alongside or near the advertisement for the sale of the firearm (whether or not the statement also appeared alongside or near 1 or more other advertisements for the sale of firearms); and
  - (b) in the case of an advertisement placed on a noticeboard—that the statement was placed in a prominent position on the noticeboard alongside or near the advertisement for the sale of the firearm (whether or not the statement also appeared alongside or near 1 or more other advertisements for the sale of firearms).

### **102—Disposal of forfeited or surrendered firearms etc**

- (1) For the purposes of sections 59(8), 62(6) and (10) and 65(4) and (5)(d) of the Act, before paying the proceeds of sale or disposal of a forfeited or surrendered item into the Consolidated Account, the Registrar may deduct expenses incurred in connection with the sale, disposal or storage of the forfeited or surrendered item and other expenses incurred in relation to the item.
- (2) For the purposes of section 62(9)(a) of the Act, the Registrar will be taken to have made a reasonable attempt to notify the person by giving or serving notice on the person by a method set out in section 77 of the Act.
- (3) Before paying the proceeds of a sale or disposal of a surrendered item to a person under section 65(5)(b)(i)(B) of the Act, the Registrar may deduct expenses incurred in connection with the sale, disposal or storage of the surrendered item and other expenses incurred in relation to the item.
- (4) For the purposes of section 65(5)(d) of the Act, the period for which a surrendered item must be made available for collection is 1 month.

### **103—Return or disposal of seized item**

- (1) If a seized item may no longer be held in accordance with section 63(3) of the Act, and the Registrar is satisfied that the person from whom the item was seized, or some other person, is entitled to lawful possession of the item, the Registrar may authorise the collection of the item by that person.
- (2) If—
  - (a) the Registrar—
    - (i) has authorised collection of the seized item; and
    - (ii) has made a reasonable attempt to notify the person that the item is available for collection by means of a method set out in section 77 of the Act; and
  - (b) the item is not collected within 1 month of the notice or such other longer period as may be agreed by the Registrar,then the seized item is forfeited to the Registrar by force of this regulation.
- (3) An item forfeited under subregulation (2) may be sold or otherwise disposed of by the Registrar, and any proceeds of sale or disposal (following the deduction of expenses incurred in connection with the sale, disposal or storage of the item) must be paid into the Consolidated Account.

### **104—Records and returns**

- (1) If a person is, under a condition of a licence, permit, approval or other authority, required to keep records for a specified period of time or to provide records or returns to the Registrar at specified times, the person must comply with that requirement despite the fact that the licence, permit, approval or other authority is suspended, cancelled, revoked or has otherwise lapsed.  
Maximum penalty: \$2 500.
- (2) Records that a person is required to compile and keep under the Act, these regulations (including subregulation (1)) or the conditions of a licence, permit, approval or other authority, must (if not otherwise so required) be produced on demand to the Registrar or a police officer.  
Maximum penalty: \$2 500.
- (3) All alterations made to records compiled and kept under the Act, these regulations or the conditions of a licence, permit, approval or other authority must be made so that the entry that is altered remains clearly legible.  
Maximum penalty: \$2 500.

### **105—Form of applications**

An application to the Registrar under the Act or these regulations must, unless otherwise provided, be in a form approved by the Registrar.

## 106—Transitional provision

A person who is an employee of a licensed dealer immediately before the commencement of this regulation will not be taken to be a disqualified person for the purposes of section 11(1) of the Act by reason of having been found guilty of—

- (a) an offence referred to in section 11(7)(c)(i) of the Act; or
- (b) an offence referred to in section 11(7)(c)(ii) of the Act, being an offence under the repealed Act; or
- (c) an offence prescribed in Schedule 2 Part 3 of these regulations for the purposes of section 11(7)(c)(iii) of the Act,

committed by the person before the commencement of this regulation.

## Schedule 1—Code of Practice for the Security, Storage and Transport of Firearms, Ammunition and Related Items

Note—

The penalty for each category of offence is set out in Part 6 of the Act.

### Part 1—Preliminary

#### 1—Short title

This code may be cited as the *Code of Practice for the Security, Storage and Transport of Firearms, Ammunition and Related Items*.

#### 2—Interpretation

- (1) In this code of practice, unless the contrary intention appears—

**building** does not include an outbuilding;

**cctv system** means a closed circuit television system or digital equivalent that is maintained and in good working order;

**container** means a container that is strong and structurally sound, made of timber, metal, fibreglass or injection moulded hard thermoplastic and is fitted with a substantial locking mechanism and strong hinges;

**display level 1**—a firearm or firearm part or ammunition is secured in accordance with the requirements of display level 1 if it is—

- (a) secured in a locked display cabinet fitted with glass or other material that is of sufficient strength so as to be reasonably expected to prevent unlawful entry; or
- (b) in the case of a firearm or firearm part or ammunition that is of a design or type to which the following requirements are capable of applying—secured to a solid wooden or metal bench, or a solid and structurally strong plastic table, by means of a steel cable—
  - (i) that is not less than 4 millimetres in diameter; and
  - (ii) that passes through the trigger guard (if present) or some other part of the firearm, firearm part or ammunition; and

- 
- (iii) that is fixed to the bench or table with a locking mechanism of sufficient strength so as to be reasonably expected to prevent unlawful removal of the firearm, firearm part or ammunition;

**display level 2**—a firearm is secured in accordance with the requirements of display level 2 if—

- (a) the firearm is secured to a strong metal rack by means of—
  - (i) a steel cable not less than 4 millimetres in diameter that passes through the trigger guard or some other part of the firearm and is locked with a locking mechanism of sufficient strength so as to be reasonably expected to prevent unlawful removal of the firearm from the rack; or
  - (ii) a solid steel rod or bar not less than 10 millimetres in diameter that is fitted in such a manner, and locked with a locking mechanism of sufficient strength, so as to be reasonably expected to prevent unlawful removal of the firearm from the rack; and
- (b) the rack to which the firearm is secured is attached to the premises in which the firearm is kept by securing it to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the premises;

**display level 3**—a firearm is secured in accordance with the requirements of display level 3 if—

- (a) the firearm is secured in a locked display cabinet that is of solid construction made of metal and laminated glass that is of a thickness of not less than 7.5 millimetres; and
- (b) the display cabinet referred to in paragraph (a) is attached to the premises in which the firearm is kept by securing it to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the premises; and
- (c) either—
  - (i) the trigger of the firearm within the display cabinet is immobilised by means of a trigger lock or other immobilisation device; or
  - (ii) the firearm is secured to the display cabinet by means of a steel cable of not less than 4 millimetres in diameter that passes through the trigger guard or other part of the firearm and is locked with a locking mechanism of sufficient strength so as to be reasonably expected to prevent unlawful removal of the firearm; or
  - (iii) the firing pin of the firearm is removed and the firing pin is not secured in the display cabinet with the firearm;

**intruder alarm system** means an intruder alarm system that is maintained and in good working order and complies with the following requirements:

- (a) the alarm system must be connected to the mains power of the premises in which it is installed and contain a battery backup in case of power failure;
- (b) the alarm system must incorporate a sensor system to detect the breaking of external glass windows or to detect movement by way of a microwave, passive infrared, ultrasonic or other similar detection system;

## Firearms Regulations 2017

Schedule 1—Code of Practice for the Security, Storage and Transport of Firearms, Ammunition and Related Items

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- (c) each sensor of a sensor system referred to in paragraph (b) must have an anti-tamper circuit that operates continuously whether the alarm is activated or not;
- (d) the controls for the alarm system must, so far as is reasonably practicable, be located out of sight and protected against access by an unauthorised person;

**key** includes a key or key card, combination or key code, electronic access code or other means of unlocking or disabling a lock or other security mechanism;

**level 1 safe** means a safe that complies with the following requirements:

- (a) the body and door of the safe must be made of structural grade mild steel that is of a thickness of not less than 2 millimetres;
- (b) the door of the safe must be—
  - (i) recessed or flush fitted and sized to prevent leverage points; and
  - (ii) fitted with—
    - (A) a 3 point locking mechanism activated by an internal key or electronic lock, or a pin combination lock or pick resistant deadlock or biometric fingerprint scanner; or
    - (B) an external lock—
      - the body of which is not less than 40 millimetres wide and has a hardened steel shackle; and
      - that is fitted with a cover so as to prevent the lock from being cut, removed, breached or otherwise tampered with;

**level 2 safe** means a safe that complies with the following requirements:

- (a) the body and door of the safe must be made of structural grade mild steel that is of a thickness of not less than 3 millimetres;
- (b) the door of the safe must be—
  - (i) recessed or flush fitted and sized to prevent leverage points; and
  - (ii) fitted with—
    - (A) a 3 point locking mechanism activated by an internal key or electronic lock, or a pin combination lock, pick resistant deadlock or biometric fingerprint scanner; or
    - (B) an external lock—
      - the body of which is not less than 40 millimetres wide and has a hardened steel shackle; and
      - that is fitted with a cover so as to prevent the lock from being cut, removed, breached or otherwise tampered with;

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**outbuilding** means a building subordinate to the main building on premises (including a garage or shed)—

- (a) that is affixed to land (whether or not it is detached from the main building of the premises on which it is located); and
- (b) that is fully enclosed, strong and in a structurally sound condition; and
- (c) the door or point of entry of which is capable of being securely locked,

(but does not include a fully enclosed garage that is under the main roof of a residence or place of business);

**prescribed safe** means a safe (other than a level 1 safe or a level 2 safe) that has a body and door made of steel of a thickness of not less than 1.6 millimetres;

**storage level 1**—a firearm is secured in accordance with the requirements of storage level 1 if—

- (a) it is locked in a level 2 safe located in a building or outbuilding on the premises in which it is kept; and
- (b) unless the safe weighs at least 150 kilograms when empty, the safe is bolted to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the building or outbuilding in which it is located with at least 2 solid anchor bolts; and
- (c) the premises on which the safe is located are installed with either—
  - (i) a cctv system that is activated and operating at any time the premises are unoccupied in order to detect and record any unauthorised entry to the premises, building, outbuilding or room in which a firearm is kept, or any unauthorised interference with a firearm; or
  - (ii) an intruder alarm system that is activated and operating at any time the premises are unoccupied in order to detect, to the maximum extent reasonably practicable, any unauthorised entry of the premises, building, outbuilding or room in which a firearm is kept, or any unauthorised interference with a firearm, by means of either or both of the following:
    - (A) an externally visible alarm warning light and a loud audible alarm;
    - (B) a remote alarm monitored by a private security company approved by the Registrar;

**storage level 2**—a firearm is secured in accordance with the requirements of storage level 2 if—

- (a) it is locked in a level 2 safe located in a building or outbuilding on the premises in which it is kept; and
- (b) unless the safe weighs at least 150 kilograms when empty, the safe is bolted to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the building or outbuilding in which it is located with at least 2 solid anchor bolts; and
- (c) the premises on which the safe is located are installed with both—

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- (i) a cctv system that is activated and operating at any time the premises are unoccupied in order to detect and record any unauthorised entry of the premises, building, outbuilding or room in which a firearm is kept, or any unauthorised interference with a firearm; and
- (ii) an intruder alarm system that is activated and operating at any time the premises are unoccupied in order to detect, to the maximum extent reasonably practicable, any unauthorised entry of the premises, building, outbuilding or room in which a firearm is kept, or any unauthorised interference with a firearm, by means of either or both of the following:
  - (A) an externally visible alarm warning light and a loud audible alarm;
  - (B) a remote alarm monitored by a private security company approved by the Registrar;

**storage level 3**—a firearm is secured in accordance with the requirements of storage level 3 if—

- (a) it is locked in a strongroom located in a building or outbuilding; and
- (b) the premises on which the strongroom is located are installed with both—
  - (i) a cctv system that is activated and operating at any time the premises are unoccupied in order to detect and record any unauthorised entry of the premises, building, outbuilding or strongroom in which a firearm is kept, or any unauthorised interference with a firearm; and
  - (ii) an intruder alarm system that is activated and operating at any time the premises are unoccupied in order to detect, to the maximum extent reasonably practicable, any unauthorised entry of the premises, building, outbuilding or strongroom in which a firearm is kept, or any unauthorised interference with a firearm, by means of either or both of the following:
    - (A) an externally visible alarm warning light and a loud audible alarm;
    - (B) a remote alarm monitored by a private security company approved by the Registrar;

**strongroom** means a strongroom that complies with the following requirements:

- (a) the strongroom must not have any windows or skylights;
- (b) the floor, ceilings and walls of the strongroom must be made of—
  - (i) reinforced concrete; or
  - (ii) double brick; or
  - (iii) reinforced besser blocks,of a thickness of not less than 140 millimetres;
- (c) any door to the strongroom must be made of—
  - (i) solid sheet structural grade mild steel of a thickness of not less than 10 millimetres; or



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- (ii) solid sheet cut resistant steel of a thickness of not less than 3 millimetres that—
    - (A) has a chemical composition that includes at least 12% manganese; and
    - (B) is encased within, or reinforced by, solid sheet timber of a thickness of not less than 40 millimetres;
  - (d) any door to the strongroom must be fitted with—
    - (i) internal hinges that are concealed or have the hinge pins welded; and
    - (ii) —
      - (A) a 3 point locking mechanism; or
      - (B) 4 shoot bolts that are located on the inside of the strongroom at the top and bottom of the door,

that is, or are, activated by an internal key or electric lock, or a pin combination lock, pick resistant deadlock or biometric fingerprint scanner;

*under the main roof*, of a residence or place of business, means within the enclosed internal structures of the building constituting the residence or place of business.

- (2) For the purposes of this code of practice, a firearm will be taken to be loaded if a round is in the breech, barrel or chamber of the firearm or in a magazine comprising part of or attached to the firearm.

### 3—Application

- (1) Except for the provisions of clauses 5, 25 and 26(4), this code of practice does not apply to a deactivated firearm.
- (2) Unless the contrary intention appears, this code of practice applies to the possession of a firearm by a person whether the person is in possession of the firearm under a firearms licence or not.

### 4—Security requirements of code are minimum requirements

- (1) A reference in a provision of this code of practice to a particular level of display, safe or storage is to be taken to be a reference to the minimum security requirements in respect of the item to which the reference relates, that must be satisfied in order to comply with the relevant provision of the code whereby, the use of the number 1 indicates the lowest level of security requirements that must be satisfied, the use of the number 2 indicates the next level of security requirements, and the use of the number 3 (where applicable) indicates the highest level of security requirements that must be satisfied.
- (2) Furthermore, a reference in a provision of this code of practice to—
  - (a) a requirement to use a prescribed safe, level 1 safe or level 2 safe to secure a specified item, is to be taken to be a lower level of security than a requirement to comply with storage level 1, storage level 2 or storage level 3; and

- (b) a requirement to use a prescribed safe to secure a specified item, is to be taken to be a requirement for a lower level of security than the use of a level 1 safe or a level 2 safe; and
  - (c) a requirement to use a strongroom to secure a specified item, is to be taken to be a requirement for a higher level of security than the use of a prescribed safe, level 1 safe or a level 2 safe or compliance with storage level 1 or storage level 2.
- (3) Nothing in this code of practice is to be taken to prevent a person from complying with a higher level of security with respect to a particular item than the requirements specified by a particular provision.

## **Part 2—Security and storage of firearms and ammunition etc**

### **Division 1—General provisions relating to security of firearms and ammunition etc**

#### **5—General duty to prevent loss or theft of firearm and ammunition etc**

- (1) A person who has possession of a firearm or ammunition, or a sound moderator or restricted firearm mechanism, must take all reasonable precautions to prevent the firearm, ammunition, sound moderator or restricted firearm mechanism from being lost or stolen or coming into the possession of an unauthorised person.
- (2) A contravention of subclause (1) is—
  - (a) in the case of a prescribed firearm—a category C offence;
  - (b) in the case of a category C, D or H firearm—a category D offence;
  - (c) in the case of any other kind of firearm or a sound moderator or restricted firearm mechanism—a category E offence;
  - (d) in the case of ammunition—a category F offence.

#### **6—Firearm must not be loaded while stored or displayed**

- (1) A person (including a licensed dealer and a person who carries on the business of storing goods) must not store or display a firearm that is loaded.
- (2) A contravention of subclause (1) is a category C offence.
- (3) Subclause (1) does not apply in relation to a firearm if the ammunition cannot be removed from the breech, barrel or chamber or the magazine of the firearm because of a malfunction of the firearm.

#### **7—Security of keys to safes etc**

- (1) A person who uses a security device to secure a firearm or ammunition, or a firearm part, sound moderator or restricted firearm mechanism, including while being transported in a vehicle, vessel or aircraft, must take all reasonable precautions to prevent the key to the security device from being lost or stolen, or coming into the possession or knowledge of an unauthorised person.
- (2) A contravention of subclause (1) is a category C offence.

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- (3) A key for a container used to secure ammunition must not be kept in a security device that is used to secure a firearm in which the ammunition may be used.
  - (4) A contravention of subclause (3) is a category C offence.
  - (5) A key for a security device that is used to secure a firearm must not be kept in a container used to secure ammunition suitable for use in that firearm.
  - (6) A contravention of subclause (5) is a category C offence.
  - (7) A person who is transporting a firearm or ammunition in a vehicle, vessel or aircraft (including in the ordinary course of the person carrying on the business of transporting goods) must keep the key to the vehicle, vessel or aircraft on or about their person, or under the person's immediate physical control, while the firearm or ammunition is in the vehicle, vessel or aircraft.
  - (8) A contravention of subclause (7) is a category C offence.
  - (9) For the purposes of subclause (1), a person will be taken not to have taken all reasonable precautions to prevent the key to the security device from being lost or stolen, or coming into the possession or knowledge of an unauthorised person if—
    - (a) in the case of a combination or key code or electronic access code, the person—
      - (i) tells another person the combination or key code or electronic access code (other than a person who may have lawful access to the firearm, ammunition, firearm part, sound moderator or restricted firearm mechanism (as the case requires) secured in the security device); or
      - (ii) leaves a record of the combination or key code or electronic access code in a place where it may be discovered by an unauthorised person; or
    - (b) in the case of a key, the person leaves the key in the lock of the security device; or
    - (c) in the case of a key or key card, the person—
      - (i) gives the key or key card to another person (other than a person who may lawfully access the security device); or
      - (ii) tells another person the place in which the key or key card is kept (other than a person who may lawfully access the security device); or
      - (iii) leaves the key or key card in a place where it may be discovered by an unauthorised person.
  - (10) Subclause (9) does not limit the circumstances in which a person will be taken not to have taken all reasonable precautions to prevent the key to the security device from being lost or stolen, or coming into the possession or knowledge of an unauthorised person.
  - (11) A person who is the operator of a primary production business does not contravene subclause (1) if the operator provides the means of access to a security device used to secure firearms or ammunition for the purposes of the business to a person who—
    - (a) is engaged in the business of the operator as an employee or relative of the operator; and
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- (b) is the holder of a category 5 (primary production) licence; and
  - (c) is authorised under a firearms licence held by the person to possess firearms of the category secured in the security device; and
  - (d) is authorised by the operator to access the security device.
- (12) In the case of keys to a vehicle, vessel or aircraft, this clause only applies to—
- (a) a key used to access or operate a vehicle, vessel, or aircraft that is also the key used to lock a separate compartment or cavity (including a boot or glove box) of the vehicle, vessel or aircraft while the vehicle, vessel or aircraft contains a firearm or ammunition; or
  - (b) a key used to lock a boot or glove box of a vehicle (whether or not it is also the key used to access or operate the vehicle) while the boot or glove box contains a firearm or ammunition.

- (13) In this clause—

*security device* means a safe, strongroom, rack, display cabinet, container, boot, glove box or other compartment, or other item or device, in which, or by which, things may be secured.

## **8—Change of location and manner of storing firearm**

- (1) A person who holds a firearms licence must not change the place at which the person keeps a firearm in the possession of the person under the licence when not in use—
- (a) from the place specified, when the person applied for the firearms licence, as being the place at which the person intends to keep a firearm under the licence, unless the person gives the Registrar prior written notice of that change; or
  - (b) if the person has previously given notice under this subclause—from the place so notified unless the person gives further prior written notice of the change to the Registrar.
- (2) A contravention of subclause (1) is a category E offence that is expiable.
- (3) A person who holds a firearms licence must not change the manner in which a firearm in the possession of the person under the licence is secured when not in use—
- (a) from the manner specified when the person applied for the firearms licence as being the manner in which the person intends to secure a firearm under the licence, without the approval of the Registrar; or
  - (b) if the person has previously obtained the approval of the Registrar under this subclause—from the manner so approved unless the person has the further approval of the Registrar.
- (4) A contravention of subclause (3) is a category E offence that is expiable.
- (5) Subclauses (1) and (3) do not apply if—
- (a) the person is residing at residential premises other than the person's usual place of residence on a short term, temporary basis and—
    - (i) the firearm is only kept at those premises for the duration of the person's residence at those premises; and

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- (ii) the person otherwise complies with the requirements of this code; or
  - (b) the person is occupying business premises other than the person's usual place of business on a short term, temporary basis and—
    - (i) the firearm is only kept at those premises for the duration of the person's occupation of the premises for the purposes of the person's business; and
    - (ii) the person otherwise complies with the requirements of this code.

### **9—Written notice of storage of firearms**

- (1) A person who has delivered a firearm to a person who carries on the business of storing goods in order for the firearm to be kept in storage for more than 14 days must, within 14 days after the period of storage commences, provide the Registrar with written notice, in a form approved by the Registrar, of—
  - (a) the number or characters constituting the identifying mark of the firearm; and
  - (b) the name and address of the person to whom the firearm has been delivered; and
  - (c) the place at which the firearm is stored.
- (2) A contravention of subclause (1) is a category E offence that is expiable.

## **Division 2—Storage of firearms and ammunition etc**

### **10—Storage and security of paint-ball firearms**

- (1) This clause—
  - (a) does not apply to a licensed dealer who has possession of a paint-ball firearm in the ordinary course of the business of dealing in firearms; and
  - (b) does not apply to a person who has possession of a paint-ball firearm in the ordinary course of the business of storing goods; and
  - (c) does not derogate from, and applies subject to, the conditions of a firearms licence or permit held by a person.
- (2) For the purposes of this clause, the total number of paint-ball firearms taken to be kept at particular premises will be determined by—
  - (a) aggregating the total number of paint-ball firearms kept at the premises on a permanent basis by a person who resides at the premises as the person's principal place of residence, or occupies the premises as the person's principal place of business (as the case requires); and
  - (b) if more than 1 person resides at the premises as the person's principal place of residence, or occupies the premises as the person's principal place of business (as the case requires)—by aggregating the total number of firearms kept at the premises on a permanent basis by each such person.

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- (3) When a paint-ball firearm in the possession of a person is not in use, the person—
- (a) must keep the paint-ball firearm in a building or outbuilding at premises that constitute the person's principal place of residence or, if the paint-ball firearm is in the possession of the person for the purposes of the person's business, the person's principal place of business; and
  - (b) must secure the paint-ball firearm at the premises as follows:
    - (i) if the total number of paint-ball firearms kept at the premises is less than 20—
      - (A) subject to subclause (6), by locking the paint-ball firearm in a level 1 safe located in a building or outbuilding on the premises; or
      - (B) subject to subclauses (6) and (7), by locking the paint-ball firearm in a prescribed safe located in a building or outbuilding on the premises; or
      - (C) in some other manner approved by the Registrar;
    - (ii) if the total number of paint-ball firearms kept at the premises is 20 or more—
      - (A) in accordance with the requirements of storage level 1; or
      - (B) in some other manner approved by the Registrar.
- (4) The categories of offences for contraventions of subclause (3) are as follows:
- (a) a contravention of subclause (3)(a) is a category C offence;
  - (b) a contravention of subclause (3)(b)(i) is a category D offence;
  - (c) a contravention of subclause (3)(b)(ii) is a category C offence.
- (5) Subclause (3)(a) does not apply if the person has obtained the approval of the Registrar to keep the paint-ball firearm at some other premises and the person complies with the conditions of the approval (if any) imposed by the Registrar.
- (6) If a prescribed safe or a level 1 safe weighs less than 150 kilograms when empty, a person may only secure a paint-ball firearm in the safe under this clause if the safe is bolted to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the building or outbuilding (as the case may be) in which it is located, with at least 2 solid anchor bolts.
- (7) A person may only secure a paint-ball firearm in a prescribed safe under subclause (3)(b)(i)(B) if—
- (a) —
    - (i) the person was the owner of the safe, and the safe was used by the person to secure the person's firearms, immediately before the commencement of this clause; and
    - (ii) either—
      - (A) a period of not more than 12 months has passed from the commencement of this clause; or

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- (B) notice is given in writing by the person to the Registrar not more than 12 months after the commencement of this clause that paragraph (a)(i) applies to the person (supported by such evidence as is required by the Registrar), and the Registrar has confirmed to the person in writing that the notice was received by the Registrar; or
- (b) —
- (i) the person resides at, or occupies, premises with another person who was the owner of the safe, and the safe was used by the owner to secure the owner's firearms, immediately before the commencement of this clause; and
- (ii) either—
- (A) a period of not more than 12 months has passed from the commencement of this clause; or
- (B) the requirements of paragraph (a)(ii)(B) have been satisfied.

**Note—**

Clause 23 of this code of practice sets out further requirements in relation to the shared use of safes by persons who reside at or occupy the same premises.

**11—Storage and security of firearms other than paint-ball firearms**

- (1) This clause—
- (a) does not apply to, or in respect of, paint-ball firearms; and
- (b) does not apply to a licensed dealer who has possession of a firearm in the ordinary course of the business of dealing in firearms; and
- (c) does not apply to a person who has possession of a firearm in the ordinary course of the business of storing goods; and
- (d) does not derogate from, and applies subject to, the conditions of a firearms licence or permit held by a person.
- (2) For the purposes of this clause, the total number of firearms taken to be kept at particular premises will be determined by—
- (a) aggregating the total number of firearms (other than paint-ball firearms) kept at the premises on a permanent basis by a person who resides at the premises as the person's principal place of residence, or occupies the premises as the person's principal place of business (as the case requires); and
- (b) if more than 1 person resides at the premises as the person's principal place of residence, or occupies the premises as the person's principal place of business (as the case requires)—by aggregating the total number of firearms (other than paint-ball firearms) kept at the premises on a permanent basis by each such person.

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- (3) When a firearm in the possession of a person is not in use, the person—
- (a) must keep the firearm in a building or, subject to this clause, in an outbuilding, at premises that constitute the person's principal place of residence or, if the firearm is in the possession of the person for the purposes of the person's business, the person's principal place of business; and
  - (b) must secure the firearm at the premises as follows:
    - (i) if the total number of firearms kept at the premises is less than 20 firearms and none of those firearms is a category C, D or H firearm—
      - (A) where the firearm is kept under the main roof of the person's residence or place of business—subject to subclause (6), by locking the firearm in a level 1 safe; or
      - (B) where the firearm is not kept under the main roof of the person's residence or place of business, or the firearm is kept in an outbuilding—subject to subclause (6), by locking the firearm in a level 2 safe; or
      - (C) subject to subclauses (6) and (7)—by locking the firearm in a prescribed safe located in a building or outbuilding on the premises; or
      - (D) in some other manner approved by the Registrar;
    - (ii) if the total number of firearms kept at the premises is less than 20 firearms and at least 1 of those firearms is a category C, D, or H firearm (whether or not such a category of firearm is in possession of the person)—
      - (A) subject to subclause (6), by locking the firearm in a level 2 safe located in a building or outbuilding on the premises; or
      - (B) subject to subclauses (6) and (7), by locking the firearm—
        - in a level 1 safe located in a building or outbuilding on the premises; or
        - in a prescribed safe, located in a building or outbuilding on the premises; or
      - (C) in some other manner approved by the Registrar;
    - (iii) subject to subparagraph (vi), if the total number of firearms kept at the premises is 20 or more, but less than 35, firearms and not more than 29 of those firearms are category H firearms (whether or not the person possesses a category H firearm)—
      - (A) in accordance with the requirements of storage level 1; or
      - (B) in some other manner approved by the Registrar;
    - (iv) subject to subparagraph (vi), if the total number of firearms kept at the premises is 35 or more, but less than 50, firearms and not more than 29 of those firearms are category H firearms (whether or not the person possesses a category H firearm)—



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- (A) in accordance with the requirements of storage level 2; or
  - (B) in some other manner approved by the Registrar;
  - (v) subject to subparagraph (vi), if the total number of firearms kept at the premises is 50 or more firearms—
    - (A) in accordance with the requirements of storage level 3; or
    - (B) in some other manner approved by the Registrar;
  - (vi) if the total number of firearms kept at particular premises is made up of, or includes, 30 or more category H firearms (regardless of whether the person possesses a category H firearm, or whether firearms of another category or categories are kept at the premises)—
    - (A) in accordance with the requirements of storage level 3; or
    - (B) in some other manner approved by the Registrar.
- (4) The categories of offences for contraventions of subclause (3) are as follows:
- (a) a contravention of subclause (3)(a) is a category B offence;
  - (b) a contravention of subclause (3)(b)(i) is a category C offence;
  - (c) a contravention of subclause (3)(b)(ii) is a category C offence;
  - (d) a contravention of subclause (3)(b)(iii) is a category B offence;
  - (e) a contravention of subclause (3)(b)(iv) is a category B offence;
  - (f) a contravention of subclause (3)(b)(v) is a category A offence;
  - (g) a contravention of subclause (3)(b)(vi) is a category A offence.
- (5) Subclause (3)(a) does not apply if the person has obtained the approval of the Registrar to keep the firearm at some other premises and the person complies with the conditions of the approval (if any) imposed by the Registrar.
- (6) If a prescribed safe, level 1 safe or level 2 safe weighs less than 150 kilograms when empty, a person may only secure a firearm in the safe under this clause if the safe is bolted to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the building or outbuilding (as the case may be) in which it is located, with at least 2 solid anchor bolts.
- (7) A person may only secure firearms in a prescribed safe or a level 1 safe under subclause (3)(b)(i)(C) or (3)(b)(ii)(B) if—
- (a) —
    - (i) the person was the owner of the safe, and the safe was used by the person to secure the person's firearms, immediately before the commencement of this clause; and
    - (ii) either—
      - (A) a period of not more than 12 months has passed from the commencement of this clause; or
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- (B) notice is given in writing by the person to the Registrar not more than 12 months after the commencement of this clause that paragraph (a)(i) applies to the person (supported by such evidence as is required by the Registrar), and the Registrar has confirmed to the person in writing that the notice was received by the Registrar; or
- (b) —
  - (i) the person resides at, or occupies, premises with another person who was the owner of the safe, and the safe was used by the owner to secure the owner's firearms, immediately before the commencement of this clause; and
  - (ii) either—
    - (A) a period of not more than 12 months has passed from the commencement of this clause; or
    - (B) the requirements of paragraph (a)(ii)(B) have been satisfied.

**Note—**

Clause 23 of this code of practice sets out further requirements in relation to the shared use of safes by persons who reside at or occupy the same premises.

## **12—Storage and security of ammunition**

- (1) This clause—
  - (a) does not apply to a licensed dealer who has possession of ammunition in the ordinary course of the dealer's business; and
  - (b) does not apply to a person who has possession of ammunition in the ordinary course of the business of storing goods; and
  - (c) does not derogate from, and applies subject to, the conditions of a firearms licence or permit held by a person.
- (2) When ammunition in the possession of a person is not in use, the person must keep the ammunition at premises that constitute the person's principal place of residence or, if the ammunition is in the possession of the person for the purposes of the person's business, the person's principal place of business unless—
  - (a) the person has obtained the approval of the Registrar to keep the ammunition at some other premises; and
  - (b) the person complies with the conditions of the approval (if any) imposed by the Registrar.
- (3) A contravention of subclause (2) is a category B offence.
- (4) A person who has possession of ammunition must, when the ammunition is not in use, keep the ammunition—
  - (a) subject to any other Act or law, inside a building or outbuilding; and
  - (b) in a locked container separately from firearms.
- (5) A contravention of subclause (4) is a category F offence that is expiable.

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- (6) For the purposes of subclause (4), if ammunition is kept in a safe or strongroom that holds a firearm, the ammunition will be taken to be kept separately from the firearm if—
- (a) the ammunition is secured in a separate compartment or container within the safe or strongroom to the firearm; and
  - (b) the compartment or container is secured with a key that cannot be used to access the safe or strongroom.

### **13—Storage and security of sound moderators and restricted firearm mechanisms**

- (1) This clause—
- (a) does not derogate from, and applies subject to, an approval of the Registrar under section 39 of the Act; and
  - (b) does not apply in respect of a sound moderator in the possession of a licensed dealer in the ordinary course of the dealer's business pursuant to an approval of the Registrar under section 39 of the Act.
- (2) When a sound moderator or restricted firearm mechanism in the possession of a person is not in use, the person—
- (a) must keep the sound moderator or restricted firearm mechanism in a building or, subject to this clause, in an outbuilding, at premises that constitute the person's principal place of residence, or if the sound moderator or restricted firearm mechanism is in the possession of the person for the purposes of the person's business, the person's principal place of business; and
  - (b) must secure the sound moderator or restricted firearm mechanism as follows:
    - (i) where the sound moderator or restricted firearm mechanism is kept under the main roof of the person's residence or place of business—subject to subclause (5), by locking it in a level 1 safe; or
    - (ii) where the sound moderator or restricted firearm mechanism is not kept under the main roof of the person's residence or place of business, or the sound moderator or restricted firearm mechanism is kept in an outbuilding—subject to subclause (5), by locking it in a level 2 safe; or
    - (iii) subject to subclauses (5) and (6), by locking it in a prescribed safe located in a building or outbuilding on the premises; or
    - (iv) in some other manner approved by the Registrar.
- (3) The categories of offences for contraventions of subclause (2) are as follows:
- (a) a contravention of subclause (2)(a) is a category B offence;
  - (b) a contravention of subclause (2)(b) is a category C offence.
- (4) Subclause (2)(a) does not apply if the person has obtained the approval of the Registrar to keep the sound moderator or restricted firearm mechanism at some other premises and the person complies with the conditions of the approval (if any) imposed by the Registrar.

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- (5) If a prescribed safe, level 1 safe or level 2 safe weighs less than 150 kilograms when empty, a person may only secure a sound moderator or restricted firearm mechanism in the safe under this clause if the safe is bolted to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the building or outbuilding (as the case may be) in which it is located, with at least 2 solid anchor bolts.
- (6) A person may only secure a sound moderator or a restricted firearm mechanism in a prescribed safe under subclause (2)(b)(iii) if—
- (a) —
- (i) the person was the owner of the safe immediately before the commencement of this clause; and
- (ii) either—
- (A) a period of not more than 12 months has passed from the commencement of this clause; or
- (B) notice is given in writing by the person to the Registrar not more than 12 months after the commencement of this clause that paragraph (a)(i) applies to the person (supported by such evidence as is required by the Registrar), and the Registrar has confirmed to the person in writing that the notice was received by the Registrar; or
- (b) —
- (i) the person resides at, or occupies, premises with another person who was the owner of the safe, and the safe was used by the owner to secure the owner's firearms, immediately before the commencement of this clause; and
- (ii) either—
- (A) a period of not more than 12 months has passed from the commencement of this clause; or
- (B) the requirements of paragraph (a)(ii)(B) have been satisfied.

### Note—

Clause 23 of this code of practice sets out further requirements in relation to the shared use of safes by persons who reside at or occupy the same premises.

## 14—Storage and security of firearms and ammunition in the course of use

- (1) This clause—
- (a) does not apply to a licensed dealer who has possession of a firearm or ammunition in the ordinary course of the business of dealing in firearms; and
- (b) does not derogate from, and applies subject to, the conditions of a firearms licence or permit held by a person.

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- (2) If a person, in the course of using a firearm for a purpose authorised by a firearms licence held by the person, is not residing at, or occupying, the premises at which the firearm is ordinarily kept, the person must, when the firearm is not in actual use, secure the firearm and any ammunition in the possession of the person for use in that firearm, by using the best means reasonably available to the person in the circumstances.
  - (3) A contravention of subclause (2) is—
    - (a) in the case of a firearm—a category C offence;
    - (b) in the case of ammunition—a category F offence.
  - (4) Subclause (2) only applies if the person is, in the course of using the firearm, not residing at, or occupying, the premises at which the firearm is ordinarily kept, on a short term, temporary basis.

### **15—Storage and security of sound moderators and restricted firearm mechanisms in the course of use**

- (1) This clause—
  - (a) does not derogate from, and applies subject to, an approval of the Registrar under section 39 of the Act; and
  - (b) does not apply in respect of a sound moderator in the possession of a licensed dealer in the ordinary course of the dealer's business pursuant to an approval of the Registrar under section 39 of the Act.
- (2) If a person, in the course of using a sound moderator or restricted firearm mechanism for a purpose authorised by an approval under the Act held by the person, is not residing at, or occupying, the premises at which the sound moderator or restricted firearm mechanism is ordinarily kept, the person must, when the sound moderator or restricted firearm mechanism is not in actual use, secure the sound moderator or restricted firearm mechanism by using the best means reasonably available to the person in the circumstances.
- (3) A contravention of subclause (2) is a category C offence.
- (4) Subclause (2) only applies if the person is, in the course of using the sound moderator or restricted firearm mechanism, not residing at, or occupying, the premises at which the sound moderator or restricted firearm mechanism is ordinarily kept, on a short term, temporary basis.

## **Division 3—Licensed dealers**

### **16—Storage and security of paint-ball firearms by licensed dealers**

- (1) This clause—
  - (a) applies to paint-ball firearms in the possession of a person in the person's capacity as a licensed dealer at the premises specified in the firearms licence authorising the person to carry on the business of a dealer; and
  - (b) does not derogate from, and applies subject to, the conditions of the firearms licence held by the person authorising the person to carry on the business of a dealer.

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- (2) A person who, in the person's capacity as a licensed dealer, has possession of less than 20 paint-ball firearms, must secure any paint-ball firearm in the person's possession kept on the premises at which the person carries on business—
  - (a) by locking the paint-ball firearm—
    - (i) subject to subclause (6), in a level 1 safe; or
    - (ii) subject to subclauses (6) and (7), in a prescribed safe; or
  - (b) in some other manner approved by the Registrar.
- (3) A contravention of subclause (2) is a category D offence.
- (4) A person who, in the person's capacity as a licensed dealer, has possession of 20 or more paint-ball firearms, must secure every paint-ball firearm in the person's possession kept on the premises at which the person carries on business—
  - (a) subject to subclause (6), by locking the paint-ball firearms in a level 2 safe; or
  - (b) in some other manner approved by the Registrar.
- (5) A contravention of subclause (4) is a category C offence.
- (6) If a prescribed safe, level 1 safe or level 2 safe weighs less than 150 kilograms when empty, a person may only secure a paint-ball firearm in the safe under this clause if the safe is bolted to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the premises at which the person carries on business, with at least 2 solid anchor bolts.
- (7) A dealer may only secure a paint-ball firearm in a prescribed safe under subclause (2)(a)(ii) if—
  - (a) the dealer was the owner of the safe, and the safe was used by the dealer to secure firearms for the purposes of the dealer's business, immediately before the commencement of this clause; and
  - (b) either—
    - (i) a period of not more than 12 months has passed from the commencement of this clause; or
    - (ii) notice is given in writing by the dealer to the Registrar not more than 12 months after the commencement of this clause that paragraph (a) applies to the dealer (supported by such evidence as is required by the Registrar), and the Registrar has confirmed to the dealer in writing that the notice was received by the Registrar.
- (8) Despite anything in this clause, during periods that a licensed dealer's premises are open to the public, the dealer is not required to comply with this clause in respect of paint-ball firearms that are on display to members of the public entering the premises provided that—
  - (a) the public does not have access to the paint-ball firearms; and
  - (b) the paint-ball firearms are under the immediate and continuous supervision of the licensed dealer or a licensed employee of the dealer; and
  - (c) the paint-ball firearms are displayed—
    - (i) in accordance with the requirements of display level 2; or

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(ii) in some other manner approved by the Registrar.

### **17—Storage and security of firearms other than paint-ball firearms by licensed dealers**

- (1) This clause—
- (a) applies to firearms, other than paint-ball firearms, in the possession of a person in the person's capacity as a licensed dealer at the premises specified in the firearms licence authorising the person to carry on the business of a dealer; and
  - (b) does not derogate from, and applies subject to, the conditions of the firearms licence held by the person authorising the person to carry on the business of a dealer.
- (2) A person who, in the person's capacity as a licensed dealer, has possession of less than 20 firearms, none of which is a category C, D or H firearm, must secure any firearm in the dealer's possession kept on the premises at which the dealer carries on business as a dealer—
- (a) subject to subclause (8), by locking the firearm in a level 1 safe; or
  - (b) subject to subclauses (8) and (9), by locking the firearm in a prescribed safe; or
  - (c) in some other manner approved by the Registrar.
- (3) A contravention of subclause (2) is a category B offence.
- (4) A person who, in the person's capacity as a licensed dealer, has possession of—
- (a) at least 1, but less than 30, category C, D or H firearms (or a combination of these categories); or
  - (b) 20 or more, but less than 50, firearms (less than 30 of which are category C, D or H firearms (or a combination of these categories)),
- must secure every firearm in the dealer's possession kept on the premises at which the dealer carries on business as a dealer—
- (c) subject to subclause (8), by locking the firearms in a level 2 safe; or
  - (d) subject to subclauses (8) and (9), by locking the firearms—
    - (i) in a level 1 safe; or
    - (ii) in a prescribed safe; or
  - (e) in some other manner approved by the Registrar.
- (5) A contravention of subclause (4) is a category B offence.
- (6) A person who, in the person's capacity as a licensed dealer, has possession of—
- (a) 30 or more category C, D or H firearms (or a combination of these categories), whether or not the dealer also has possession of 1 or more firearms of another category; or
  - (b) if paragraph (a) does not apply, 50 or more firearms,

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must secure every firearm in the person's possession kept on the premises at which the person carries on business as a dealer—

- (c) by locking the firearms in a strongroom; or
  - (d) in some other manner approved by the Registrar.
- (7) A contravention of subclause (6) is a category A offence.
- (8) If a prescribed safe, level 1 safe or level 2 safe weighs less than 150 kilograms when empty, a person may only secure a firearm in the safe under this clause if the safe is bolted to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the premises at which the person carries on business, with at least 2 solid anchor bolts.
- (9) A dealer may only secure firearms in a level 1 safe or a prescribed safe under subclause (2)(b) or (4)(d) (as the case requires) if—
- (a) the dealer was the owner of the safe, and the safe was used by the dealer to secure firearms for the purposes of the dealer's business, immediately before the commencement of this clause; and
  - (b) either—
    - (i) a period of not more than 12 months has passed from the commencement of this clause; or
    - (ii) notice is given in writing by the dealer to the Registrar not more than 12 months after the commencement of this clause that paragraph (a) applies to the dealer (supported by such evidence as is required by the Registrar), and the Registrar has confirmed to the dealer in writing that the notice was received by the Registrar.
- (10) Despite anything in this clause, during periods that a licensed dealer's premises are open to the public, the dealer is not required to comply with this clause in respect of category A, B or H firearms that are on display to members of the public entering the premises provided that—
- (a) the public does not have access to the firearms; and
  - (b) the firearms are under the immediate and continuous supervision of the licensed dealer or a licensed employee of the dealer; and
  - (c) the firearms are displayed—
    - (i) in the case of category A or B firearms—in accordance with the requirements of display level 2, or in some other manner approved by the Registrar; or
    - (ii) in the case of category H firearms—in accordance with the requirements of display level 3, or in some other manner approved by the Registrar.

## **18—Storage and security of ammunition by dealers**

- (1) This clause—
- (a) applies to ammunition in the possession of a person in the person's capacity as a licensed dealer at the premises specified in the firearms licence authorising the person to carry on the business of a dealer; and



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- (b) does not derogate from, and applies subject to, the conditions of the firearms licence authorising the person to carry on the business of a dealer held by the person.
  - (2) Subject to subclause (5), a person who has possession of ammunition in the person's capacity as a licensed dealer must secure the ammunition in a locked container separately from firearms.
  - (3) A contravention of subclause (2) is a category D offence.
  - (4) For the purposes of subclause (2), if ammunition is kept in a safe or strongroom that holds a firearm, the ammunition will be taken to be kept separately from the firearm if—
    - (a) the ammunition is secured in a separate compartment or container within the safe or strongroom to the firearm; and
    - (b) the compartment or container is secured with a key that cannot be used to access the safe or strongroom.
  - (5) During periods that a licensed dealer's premises are open to the public, the dealer is not required to comply with the requirements of subclause (2) in respect of ammunition provided that—
    - (a) the public does not have access to the ammunition; and
    - (b) the ammunition is under the immediate and continuous supervision of the licensed dealer or a licensed employee of the dealer; and
    - (c) the ammunition is kept—
      - (i) in a container or display cabinet; or
      - (ii) in some other manner approved by the Registrar.

### **19—Storage and security of sound moderators by dealers**

- (1) A licensed dealer who has possession of a sound moderator in the ordinary course of the dealer's business pursuant to an approval of the Registrar under section 39 of the Act, must keep the sound moderator at the premises at which the dealer carries on business as a dealer—
  - (a) subject to subclause (3), in a level 1 safe; or
  - (b) subject to subclauses (3) and (4), in a prescribed safe.
- (2) A contravention of subclause (1) is a category B offence.
- (3) If a prescribed safe or level 1 safe weighs less than 150 kilograms when empty, a person may only secure a sound moderator in the safe under this clause if the safe is bolted to a solid concrete, brick, metal or timber floor, wall or other permanent internal structure of the premises at which the dealer carries on business, with at least 2 solid anchor bolts.
- (4) A dealer may only secure a sound moderator in a prescribed safe under subclause (1)(b) if—
  - (a) the dealer was the owner of the safe, and the safe was used by the dealer for the purposes of the dealer's business, immediately before the commencement of this clause; and

- (b) either—
  - (i) a period of not more than 12 months has passed from the commencement of this clause; or
  - (ii) notice is given in writing by the dealer to the Registrar not more than 12 months after the commencement of this clause that paragraph (a) applies to the dealer (supported by such evidence as is required by the Registrar), and the Registrar has confirmed to the dealer in writing that the notice was received by the Registrar.

## **20—Security of premises of licensed dealer dealing in firearms**

- (1) Subject to subclause (3), a licensed dealer must ensure that the premises at which the dealer carries on the business of dealing in firearms comply with the following requirements:
  - (a) the premises must be in a structurally sound condition and the walls, floor and ceiling of the premises must be constructed of stone, brick or concrete, or lined with steel mesh of a thickness of not less than 5 millimetres;
  - (b) any external doors to the premises must be—
    - (i) in a structurally sound condition; and
    - (ii) constructed of metal, or lined with steel mesh of a thickness of not less than 5 millimetres; and
    - (iii) in a metal frame with substantial hinges and fitted with a deadlock;
  - (c) any windows, skylights or other covers of openings giving access to the premises must comply with the following:
    - (i) they must be in a structurally sound condition;
    - (ii) in the case of windows and skylights—they must be fitted with steel bars or other material that provides a strong covering, that cannot be removed from the outside of the premises;
    - (iii) they must be capable of being secured against unlawful entry;
    - (iv) any locks, bolts or hinges fitted to, or forming part of, the window, skylight or other means of access to the premises must be strong and in a structurally sound condition;
  - (d) the premises must be fitted with an intruder alarm system that is able to detect, to the maximum extent reasonably practicable, any unauthorised entry of the premises or room in which a firearm is kept, or any unauthorised interference with a firearm, by means of—
    - (i) an externally visible alarm warning light and a loud audible alarm; and
    - (ii) a remote alarm permanently monitored by a private security company approved by the Registrar;
  - (e) the premises must be fitted with a cctv system that is installed so as to be able to detect and record unauthorised access to or interference with, or removal of, any firearm kept on the premises.

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- (2) A contravention of subclause (1) is a category A offence.
  - (3) The Registrar may, on the application of a licensed dealer, exempt the dealer from complying with 1 or more of the requirements referred to in subclause (1), subject to such conditions (including conditions as to the security of the premises) as specified by the Registrar in the exemption.
  - (4) A contravention of a condition of an exemption by the Registrar under subclause (3) is—
    - (a) a contravention of this code; and
    - (b) a category A offence.
  - (5) A licensed dealer must ensure that the cctv system installed at the premises is activated and operating at all times.
  - (6) A contravention of subclause (5) is a category A offence.
  - (7) A licensed dealer must, whenever the premises at which the dealer carries on business are unoccupied, ensure that—
    - (a) the premises are properly secured against unlawful entry; and
    - (b) the intruder alarm system is activated and operating.
  - (8) A contravention of subclause (7) is a category A offence.

## **21—Security of premises of licensed dealer dealing in ammunition only**

- (1) This clause applies to a licensed dealer who holds a category 11 (dealer) licence that bears the statement "ammunition only".
- (2) Subject to subclause (4), a licensed dealer to whom this clause applies must ensure that the premises at which the dealer carries on the business of dealing in ammunition comply with the following requirements:
  - (a) the premises must be fitted with an intruder alarm system that is able to detect, to the maximum extent reasonably practicable, any unauthorised entry of the premises or room in which ammunition is kept, or any unauthorised interference with any ammunition, by means of—
    - (i) an externally visible alarm warning light and a loud audible alarm; and
    - (ii) a remote alarm permanently monitored by a private security company approved by the Registrar;
  - (b) the premises must be fitted with a cctv system that is installed so as to be able to detect and record unauthorised access to or interference with, or removal of, any ammunition kept on the premises.
- (3) A contravention of subclause (2) is a category A offence.
- (4) The Registrar may, on the application of a licensed dealer to whom this clause applies, exempt the dealer from complying with 1 or more of the requirements referred to in subclause (2), subject to such conditions (including conditions as to the security of the premises) as specified by the Registrar in the exemption.

- (5) A contravention of a condition of an exemption by the Registrar under subclause (4) is—
  - (a) a contravention of this code; and
  - (b) a category A offence.
- (6) A licensed dealer to whom this clause applies must ensure that the cctv system installed at the premises at which the dealer carries on business is activated and operating at all times.
- (7) A contravention of subclause (6) is a category A offence.
- (8) A licensed dealer to whom this clause applies must, whenever the premises at which the dealer carries on business are unoccupied, ensure that—
  - (a) the premises are properly secured against unlawful entry; and
  - (b) the intruder alarm system is activated and operating.
- (9) A contravention of subclause (8) is a category A offence.

## **Division 4—Display of firearms, firearm parts or ammunition at arms fair**

### **22—Display of firearms, firearm parts or ammunition at arms fair**

- (1) A person who displays a category A, B, or H firearm or a firearm part for a category A, B, or H firearm, or ammunition, at an arms fair must comply with the following requirements:
  - (a) the person must take all reasonable precautions to prevent the firearm, firearm part or ammunition from being lost or stolen or coming into the possession of an unauthorised person;
  - (b) the firearm, firearm part or ammunition must be under the immediate and continuous supervision of the person, or in the case of a person who holds a category 11 (dealer) licence, a licensed employee of the dealer;
  - (c) the firearm, firearm part or ammunition must be secured in accordance with the requirements of display level 1 or in some other manner approved by the Registrar;
  - (d) the person must, subject to subclause (3), only display a firearm, firearm part or ammunition at times when the arms fair is open to members of the public.
- (2) A contravention of subclause (1) is a category B offence.
- (3) A person may only keep a firearm, firearm part or ammunition at an arms fair during periods when the arms fair is not open to the public if—
  - (a) the firearm, firearm part or ammunition is secured—
    - (i) in accordance with the requirements of display level 1; or
    - (ii) in some other manner approved by the Registrar; and
  - (b) the firearm, firearm part or ammunition is under the immediate and continuous supervision of a person who—
    - (i) holds a category 6 (security guard) licence; and

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- (ii) holds a security agents licence in force under the *Security and Investigation Industry Act 1995* that authorises the person to protect or guard property or keep property under surveillance.

- (4) A contravention of subclause (3) is a category B offence.

## **Division 5—Shared use of safes and strongrooms by persons residing at or occupying same premises**

### **23—Shared use of safes and strongrooms by persons residing at or occupying same premises**

- (1) Subject to this code of practice, a person who resides at, or occupies, premises (whether residential or business) on a permanent basis, together with 1 or more other persons who also reside at, or occupy, those premises on a permanent basis, may only secure a firearm, sound moderator or restricted firearm mechanism owned or in the lawful possession of the person in a safe or strongroom located at the premises, in which a firearm, sound moderator or restricted firearm mechanism owned by or in the lawful possession of the other person (or persons) is secured, if—
  - (a) the person secures the person's firearm, sound moderator or restricted firearm mechanism within the safe or strongroom in a separate locked compartment of the safe or strongroom or with a separate cable or other device so as to prevent the unauthorised access, removal or possession of the firearm, sound moderator or restricted firearm mechanism by the other person (or persons) also using the safe or strongroom to secure a firearm, sound moderator or restricted firearm mechanism; and
  - (b) in addition, in the case of a firearm—the person has complied with the requirements under the Act (including these regulations) relating to the provision of notice to the Registrar as to the place and manner in which the firearm is kept.
- (2) A contravention of subclause (1) is a category C offence.
- (3) Subject to this code of practice, a person who resides at, or occupies, premises (whether residential or business) on a permanent basis, together with 1 or more other persons who also reside at, or occupy, those premises on a permanent basis, may only secure ammunition owned or in the lawful possession of the person in a safe or strongroom located at the premises, in which ammunition owned by or in the lawful possession of the other person (or persons) is secured, if the ammunition is kept in a separate locked compartment or container within the safe or strong room so as to prevent the unauthorised access, removal or possession of the ammunition by the other person (or persons) also using the safe or strongroom.
- (4) A contravention of subclause (3) is a category F offence that is expiable.

## **Division 6—Persons who carry on business of storing goods**

### **24—Commercial storage of firearms and ammunition**

- (1) Unless it is not reasonably practicable in the circumstances, and subject to any other Act or law, a person (other than a licensed dealer) must not, in the ordinary course of carrying on the business of storing goods, keep a firearm or ammunition in a container or compartment that is marked in any way, or has anything on or attached to it, indicating that it contains a firearm or ammunition.
- (2) A contravention of subclause (1) is a category E offence.
- (3) A person (other than a licensed dealer) who stores a firearm or ammunition in the ordinary course of carrying on the business of storing goods must—
  - (a) within 24 hours, unless the person has a reasonable excuse for not doing so, provide an oral report to a police officer; and
  - (b) within 7 days, give the Registrar written notice, in a form approved by the Registrar,  
of the theft or loss of that firearm or ammunition.
- (4) A contravention of subclause (3) is a category D offence.

## **Part 3—Transport of firearms and ammunition**

### **25—General duty to prevent loss or theft of firearm or ammunition while being transported**

- (1) A person who is transporting a firearm or ammunition in a vehicle, vessel or aircraft (including a person who transports a firearm or ammunition in the ordinary course of carrying on the business of transporting goods) must take all reasonable precautions to prevent the firearm or ammunition from being lost or stolen or coming into the possession of an unauthorised person while being transported.
- (2) A contravention of subclause (1) is—
  - (a) in the case of a prescribed firearm—a category C offence;
  - (b) in the case of a category C, D or H firearm—a category D offence;
  - (c) in the case of any other kind of firearm—a category E offence;
  - (d) in the case of ammunition—a category F offence.

### **26—Security of firearms and ammunition while being transported**

- (1) If a vehicle, vessel or aircraft in which a firearm or ammunition is being transported has—
  - (a) a boot, glove box, cupboard or other compartment in which the firearm or ammunition may be locked; or
  - (b) a container fixed securely to the vehicle, vessel or aircraft (either internally or externally) in which the firearm or ammunition may be locked,the person transporting the firearm or ammunition must—
  - (c) ensure that the firearm or ammunition is securely locked in the boot, glove box, cupboard or other compartment or container; and

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- (d) if both a firearm and ammunition are being transported in the vehicle, vessel or aircraft at the same time and the vehicle, vessel or aircraft has more than 1 such compartment or container—ensure that the firearm and ammunition are secured separately unless—
- (i) it is not reasonably practicably for the person to do so in the circumstances; or
  - (ii) the firearm or ammunition would not then be secured by using the best means reasonably available to the person.
- (2) A contravention of subclause (1) is—
- (a) in the case of a prescribed firearm—a category C offence;
  - (b) in the case of a category C, D or H firearm—a category D offence;
  - (c) in the case of any other kind of firearm—a category E offence;
  - (d) in the case of ammunition—a category E offence that is expiable.
- (3) Subclause (1) does not apply to a person who transports a firearm or ammunition in the ordinary course of carrying on the business of transporting goods.
- (4) A person who is transporting a firearm or ammunition in a vehicle, vessel or aircraft (including a person who transports a firearm or ammunition in the ordinary course of carrying on the business of transporting goods) must, so far as is reasonably practicable, ensure that the firearm or ammunition is covered, concealed or otherwise placed so that it is out of sight while it is in the vehicle, vessel or aircraft.
- (5) A contravention of subclause (4) is a category E offence.
- (6) Unless it is not reasonably practicable in the circumstances, and subject to any other Act or law, a person who transports a firearm or ammunition (including a person who transports a firearm or ammunition in the ordinary course of carrying on the business of transporting goods) must not transport the firearm or ammunition in a compartment or container that is marked in any way, or has anything on or attached to it, indicating that it contains a firearm or ammunition.
- (7) A contravention of subclause (6) is a category E offence.

## **27—Firearm must not be loaded while transported**

- (1) Subject to this clause, a person who is transporting a firearm (including in the ordinary course of the person carrying on the business of transporting goods) must ensure that the firearm is not loaded.
- (2) A contravention of subclause (1) is a category C offence.
- (3) Subclause (1) does not apply in relation to a firearm if the ammunition cannot be removed from the breech, barrel or chamber or the magazine of the firearm because of a malfunction of the firearm.
- (4) A person does not contravene subclause (1) if—
- (a) the person—
    - (i) is the operator of a primary production business, or is engaged as an employee or relative of the operator, who holds a category 5 (primary production) licence; or

- (ii) is an agent of the operator of a primary production business who holds a category 3 (hunting) licence or a category 7 (contract shooter) licence and is engaged by the operator for a purpose connected with the operator's business; and
- (b) the person reasonably believes that there is a strong likelihood that the firearm will be required for use for a purpose connected with the primary production business while the firearm is being transported; and
- (c) the person transports the firearm while it is loaded for no further than is reasonably necessary in the circumstances.

## **28—Firearms not to be left unattended in vehicle etc**

- (1) A person transporting a firearm in a vehicle, vessel or aircraft (including in the ordinary course of the person carrying on the business of transporting goods) must not leave the vehicle, vessel or aircraft unattended unless—
  - (a) the person has a reasonable excuse in the circumstances to leave the vehicle, vessel or aircraft unattended; and
  - (b) the vehicle, vessel or aircraft is securely locked; and
  - (c) the vehicle, vessel or aircraft is left unattended for no longer than is reasonably necessary in the circumstances.
- (2) A contravention of subclause (1) is a category C offence.

## **29—Commercial transport of firearms and ammunition**

- (1) A person who carries on the business of transporting goods must not, in the course of carrying on that business, transport a firearm and ammunition, or cause a firearm and ammunition to be transported (whether the ammunition is suitable for use in the firearm or not), by the same vehicle, vessel or aircraft unless—
  - (a) the vehicle, vessel or aircraft is also transporting the owner of the firearm and the owner of the ammunition; or
  - (b) the firearm and ammunition are locked in separate containers or compartments; or
  - (c) the person has obtained the approval of the Registrar.
- (2) A contravention of subclause (1) is a category E offence that is expiable.
- (3) A person who transports a firearm or ammunition in the ordinary course of a business of transporting goods carried on by the person must—
  - (a) within 24 hours, unless the person has a reasonable excuse for not doing so, provide an oral report to a police officer; and
  - (b) within 7 days, give the Registrar written notice, in a form approved by the Registrar,  
of the theft or loss of that firearm or ammunition.
- (4) A contravention of subclause (3) is a category D offence.



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## Part 4—Transitional Provisions

### 30—Interpretation

In this Part—

*relevant period* means the period of 12 months from the commencement of this clause;

*revoked regulations* means the *Firearms Regulations 2008* revoked by these regulations.

### 31—Transitional provisions

- (1) If a person who was authorised to possess a firearm under a firearms licence in force under the repealed Act immediately before the commencement of this clause contravenes clause 10 or 11 of this code during the relevant period, the person will be taken not to have committed an offence against section 35 of the Act by virtue of that contravention, provided that, at the time of the contravention, the person is complying with the requirements for the security of firearms set out under relevant provisions of the repealed Act and the revoked regulations as in force immediately before the commencement of this clause (as if those provisions continued to operate during the relevant period).
- (2) If a person who was authorised to carry on the business of a dealer under a dealer's licence in force under the repealed Act immediately before the commencement of this clause contravenes clause 16, 17, 20 or 21 of this code during the relevant period, the person will be taken not to have committed an offence against section 35 of the Act by virtue of that contravention, provided that, at the time of the contravention, the person is complying with the requirements for the security of firearms or ammunition or the premises at which the person carries on business, set out under relevant provisions of the repealed Act and the revoked regulations as in force immediately before the commencement of this clause (as if those provisions continued to operate during the relevant period).

## Schedule 2—Prescribed offences

### Part 1—Prescribed offences—fit and proper person (section 7(3)(d) of Act)

#### 1—Prescribed offences—fit and proper person

For the purposes of section 7(3)(d) of the Act, the following offences are prescribed:

- (a) an offence against section 11A(2) of the *Bail Act 1985* (Bail authority may direct person to surrender firearm etc);
- (b) the following offences against the *Controlled Substances Act 1984*:
  - (i) an indictable offence against section 32 as in force immediately before the commencement of the *Controlled Substances (Serious Drug Offences) Amendment Act 2005*;
  - (ii) an offence against section 32 (Trafficking) as in force following the commencement of the *Controlled Substances (Serious Drug Offences) Amendment Act 2005*;

- (iii) an offence against section 33 (Manufacture of controlled drugs for sale);
- (iv) an offence against section 33A (Sale, manufacture etc of controlled precursor);
- (v) an offence against section 33B (Cultivation of controlled plants for sale);
- (vi) an offence against section 33C (Sale of controlled plants);
- (vii) an offence against section 33D (Sale of equipment);
- (viii) an offence against section 33DA (Sale of instructions);
- (ix) an offence against section 33F (Sale, supply or administration of controlled drug to child);
- (x) an offence against section 33G (Sale, supply or administration of controlled drug in school zone);
- (xi) an offence against section 33GA (Sale of equipment to child for use in connection with consumption of controlled drugs);
- (xii) an offence against section 33GB (Sale of instructions to a child);
- (xiii) an offence against section 33H (Procuring child to commit offence);
- (xiv) an offence against section 33I (Supply or administration of controlled drug);
- (xv) an offence against section 33J (Manufacture of controlled drugs);
- (xvi) an offence against section 33K (Cultivation of controlled plants), other than an offence against that section that is a simple cannabis offence within the meaning of section 45A of the *Controlled Substances Act 1984*;
- (xvii) an offence against section 33L (Possession or consumption of controlled drug etc), other than an offence against that section that is a simple possession offence within the meaning of the *Controlled Substances Act 1984*, or a simple cannabis offence within the meaning of section 45A of that Act;
- (xviii) an offence against section 33LA (Possession or supply of prescribed equipment);
- (xix) an offence against section 33LAB (Possession or supply of instructions);
- (xx) an offence against section 33LB (Possession or supply of prescribed quantity of controlled precursor);
- (xxi) an offence against section 33LD (Intentional manufacture of controlled drug alternative);
- (xxii) an offence against section 33LE (Promoting controlled drug alternative);
- (xxiii) an offence against section 33LF (Manufacturing, packaging, selling or supplying substance promoted as controlled drug alternative);

- (c) an offence against section 68A(2) of the *Correctional Services Act 1982* (Board may direct person to surrender firearm etc);
- (d) any offence against the *Criminal Law Consolidation Act 1935*;
- (e) an offence against section 24A(2) of the *Criminal Law (Sentencing) Act 1988* (Appropriate board may direct person to surrender firearm etc);
- (f) an offence against section 31 of the *Intervention Orders (Prevention of Abuse) Act 2009* (Contravention of intervention order);
- (g) the following offences against the *Road Traffic Act 1961*:
  - (i) an offence against section 47 (Driving under the influence);
  - (ii) an offence against section 47B (Driving while having a prescribed concentration of alcohol in blood);
  - (iii) an offence against section 47BA (Driving with prescribed drug in oral fluid or blood);
- (h) the following offences against the *Serious and Organised Crime (Control) Act 2008*:
  - (i) an offence against section 22 (Offence to contravene or fail to comply with control order) as in force immediately before the commencement of section 6 of the *Serious and Organised Crime (Control) (Miscellaneous) Amendment Act 2012*;
  - (ii) an offence against section 22I (Offence to contravene or fail to comply with control order);
  - (iii) an offence against section 32 (Offence to contravene or fail to comply with public safety order);
  - (iv) an offence against section 34A (Permitting premises to be habitually used as place of resort by members of declared organisation);
  - (v) an offence against section 34B (Recruiting person to become member of declared organisation);
  - (vi) an offence against section 35 (Criminal associations);
  - (vii) an offence against section 36 (Provision of personal details);
- (i) the following offences against the *Summary Offences Act 1953*:
  - (i) an offence against section 6(1) (Assaulting and hindering police);
  - (ii) an offence against section 6A (Violent disorder);
  - (iii) an offence against section 15A (Possession of body armour) as in force immediately before the commencement of section 4 of the *Summary Offences (Weapons) Amendment Act 2012*;
  - (iv) an offence against section 21B (Body armour);
  - (v) an offence against section 21C (Offensive weapons and dangerous articles etc);
  - (vi) an offence against section 21F (Prohibited weapons);
  - (vii) an offence against section 21I (Effect of weapons prohibition order);

- (viii) an offence against section 62 (False reports to police);
- (ix) an offence against section 62A (Creating false belief as to events calling for police action);
- (x) an offence against section 66K (Offence to contravene or fail to comply with notice);
- (xi) an offence against section 74BJ (Hindering removal or modification of fortifications);
- (j) an offence against section 21 of the *Tattooing Industry Control Act 2015* (Offence to possess certain items in premises where tattooing services provided);
- (k) an offence against section 42A(2) of the *Young Offenders Act 1993* (Training Centre Review Board may direct youth to surrender firearm etc);
- (l) offences consisting of a conspiracy or an attempt to commit an offence referred to in a preceding paragraph;
- (m) an offence substantially similar to any of the offences referred to in a preceding paragraph against the law of the Commonwealth, another State or a Territory of the Commonwealth.

## **Part 2—Prescribed offences—possession and use of firearms—aggravated offence (section 9(7)(c) of Act)**

### **2—Prescribed offences—possession and use of firearms—aggravated offence**

For the purposes of section 9(7)(c) of the Act, the following offences against the *Controlled Substances Act 1984* are prescribed:

- (a) an offence against section 32 (Trafficking);
- (b) an offence against section 33 (Manufacture of controlled drugs for sale);
- (c) an offence against section 33A (Sale, manufacture etc of controlled precursor);
- (d) an offence against section 33B (Cultivation of controlled plants for sale);
- (e) an offence against section 33C (Sale of controlled plants);
- (f) an offence against section 33F (Sale, supply or administration of controlled drug to child);
- (g) an offence against section 33G (Sale, supply or administration of controlled drug in school zone);
- (h) an offence against section 33I (Supply or administration of controlled drug);
- (i) an offence against section 33J (Manufacture of controlled drugs);
- (j) an offence against section 33K (Cultivation of controlled plants), other than an offence against that section that is a simple cannabis offence within the meaning of section 45A of the *Controlled Substances Act 1984*;

- (k) an offence against section 33L (Possession or consumption of controlled drug etc), other than an offence against that section that is a simple possession offence within the meaning of the *Controlled Substances Act 1984*, or a simple cannabis offence within the meaning of section 45A of that Act;
- (l) an offence against section 33LB (Possession or supply of prescribed quantity of controlled precursor);
- (m) an offence against section 33LD (Intentional manufacture of controlled drug alternative);
- (n) an offence against section 33LE (Promoting controlled drug alternative);
- (o) an offence against section 33LF (Manufacturing, packaging, selling or supplying substance promoted as controlled drug alternative).

### **Part 3—Prescribed offences—disqualification of employment of person by licensed dealer (section 11(7)(c)(iii) of Act)**

#### **3—Prescribed offences—disqualification of employment of person by licensed dealer**

For the purposes of section 11(7)(c)(iii) of the Act, the following offences are prescribed:

- (a) an offence against section 11A(2) of the *Bail Act 1985* (Bail authority may direct person to surrender firearm etc);
- (b) the following offences against the *Controlled Substances Act 1984*:
  - (i) an indictable offence against section 32 as in force immediately before the commencement of the *Controlled Substances (Serious Drug Offences) Amendment Act 2005*;
  - (ii) an offence against section 32 (Trafficking) as in force following the commencement of the *Controlled Substances (Serious Drug Offences) Amendment Act 2005*;
  - (iii) an offence against section 33 (Manufacture of controlled drugs for sale);
  - (iv) an offence against section 33A (Sale, manufacture etc of controlled precursor);
  - (v) an offence against section 33B (Cultivation of controlled plants for sale);
  - (vi) an offence against section 33C (Sale of controlled plants);
  - (vii) an offence against section 33F (Sale, supply or administration of controlled drug to child);
  - (viii) an offence against section 33G (Sale, supply or administration of controlled drug in school zone);
  - (ix) an offence against section 33H (Procuring child to commit offence);
  - (x) an indictable offence against section 33I (Supply or administration of controlled drug);

- (xi) an offence against section 33J (Manufacture of controlled drugs);
- (xii) an offence against section 33K (Cultivation of controlled plants), other than an offence against that section that is a simple cannabis offence within the meaning of section 45A of the *Controlled Substances Act 1984*;
- (xiii) an offence against section 33L (Possession or consumption of controlled drug etc), other than an offence against that section that is a simple possession offence within the meaning of the *Controlled Substances Act 1984*, or a simple cannabis offence within the meaning of section 45A of that Act;
- (xiv) an offence against section 33LA (Possession or supply of prescribed equipment);
- (xv) an offence against section 33LAB (Possession or supply of instructions);
- (xvi) an offence against section 33LB (Possession or supply of prescribed quantity of controlled precursor);
- (xvii) an offence against section 33LD (Intentional manufacture of controlled drug alternative);
- (xviii) an offence against section 33LE (Promoting controlled drug alternative);
- (xix) an offence against section 33LF (Manufacturing, packaging, selling or supplying substance promoted as controlled drug alternative);
- (c) an offence against section 68A(2) of the *Correctional Services Act 1982* (Board may direct person to surrender firearm etc);
- (d) the following offences against the *Criminal Law Consolidation Act 1935*:
  - (i) an offence against Part 3 (Offences against the person etc), other than—
    - (A) a basic offence against section 19(2); or
    - (B) an offence against section 19A(1) where neither a motor vehicle nor motor vessel was used in the commission of the offence; or
    - (C) a first offence that is a basic offence against section 19A(3) where a motor vehicle or motor vessel was used in the commission of the offence but serious harm was not caused to any person; or
    - (D) an offence against section 19A(3) where neither a motor vehicle nor motor vessel was used in the commission of the offence; or
    - (E) an offence against section 19AB(2) where neither a motor vehicle nor motor vessel was used in the commission of the offence; or
    - (F) a first offence that is a basic offence against section 19AD(1); or

- (G) a basic offence against section 20(3)(a); or
- (H) a basic offence against section 29(2); or
- (I) a basic offence against section 29(3); or
- (J) an offence against section 32A; or
- (K) an offence against section 32C(2); or
- (L) an offence against section 61; or
- (M) an offence against section 78; or
- (N) an offence against section 81; or
- (O) an offence against section 82; or
- (P) an offence against section 83;
- (ii) an offence against Part 3A (Offences relating to public order);
- (iii) an offence against Part 3B (Offences relating to criminal organisations);
- (iv) an offence against Part 4 (Offences with respect to property), other than—
  - (A) an offence against section 85(3); or
  - (B) a basic offence against section 85(4); or
  - (C) an offence against section 85A; or
  - (D) an offence against section 86; or
  - (E) an offence against section 86A;
- (v) an offence against Part 5 (Offences of dishonesty), other than—
  - (A) a basic offence against section 134; or
  - (B) an offence against section 138(2); or
  - (C) an offence against section 138A(2); or
  - (D) a basic offence against section 139; or
  - (E) a basic offence against section 140(4); or
  - (F) an offence against section 140(6); or
  - (G) an offence against section 141(1); or
  - (H) an offence against section 141(2); or
  - (I) an offence against section 142; or
  - (J) an offence against section 143; or
  - (K) an offence against section 144;
- (vi) an offence against Part 5A (Identity theft), other than an offence against section 144D;
- (vii) an offence against Part 6A (Serious criminal trespass), other than a basic offence against section 170A;

- (viii) an offence against section 248 (Threats or reprisals relating to persons involved in criminal investigations or judicial proceedings);
- (ix) an offence against Part 7 Division 4 (Offences relating to public officers);
- (x) an offence against section 267AA (Offence where unlawfully supplied firearm used in subsequent offence);
- (xi) an offence against section 270C (Going equipped for commission of offence of dishonesty or offence against property);
- (xii) an offence against section 270D (Going equipped for commission of offence against the person);
- (e) an offence against section 24A(2) of the *Criminal Law (Sentencing) Act 1988* (Appropriate board may direct person to surrender firearm etc);
- (f) an offence against section 31 of the *Intervention Orders (Prevention of Abuse) Act 2009* (Contravention of intervention order);
- (g) the following offences against the *Serious and Organised Crime (Control) Act 2008*:
  - (i) an offence against section 22 (Offence to contravene or fail to comply with control order) as in force immediately before the commencement of section 6 of the *Serious and Organised Crime (Control) (Miscellaneous) Amendment Act 2012*;
  - (ii) an offence against section 22I (Offence to contravene or fail to comply with control order);
  - (iii) an offence against section 32 (Offence to contravene or fail to comply with public safety order);
  - (iv) an offence against section 34A (Permitting premises to be habitually used as place of resort by members of declared organisation);
  - (v) an offence against section 34B (Recruiting person to become member of declared organisation);
  - (vi) an offence against section 35 (Criminal associations);
  - (vii) an offence against section 36 (Provision of personal details);
- (h) the following offences against the *Summary Offences Act 1953*:
  - (i) an offence against section 6(1) (Assaulting and hindering police);
  - (ii) an offence against section 15A (Possession of body armour) as in force immediately before the commencement of section 4 of the *Summary Offences (Weapons) Amendment Act 2012*;
  - (iii) an offence against section 21B (Body armour);
  - (iv) an offence against section 21F (Prohibited weapons);
  - (v) an offence against section 21I (Effect of weapons prohibition order);
  - (vi) an offence against section 66K (Offence to contravene or fail to comply with notice);



- (vii) an offence against section 74BJ (Hindering removal or modification of fortifications);
- (i) an offence against section 21 of the *Tattooing Industry Control Act 2015* (Offence to possess certain items in premises where tattooing services provided);
- (j) an offence against section 42A(2) of the *Young Offenders Act 1993* (Training Centre Review Board may direct youth to surrender firearm etc);
- (k) offences consisting of a conspiracy or an attempt to commit an offence referred to in a preceding paragraph;
- (l) an offence substantially similar to any of the offences referred to in a preceding paragraph against the law of the Commonwealth, another State or a Territory of the Commonwealth.

## **Part 4—Prescribed offences—grant of firearms licence (section 15(5) of Act)**

### **4—Prescribed offences—grant of firearms licence**

For the purposes of section 15(5) of the Act, the following offences are prescribed:

- (a) an offence against section 11A(2) of the *Bail Act 1985* (Bail authority may direct person to surrender firearm etc);
- (b) the following offences against the *Controlled Substances Act 1984*:
  - (i) an indictable offence against section 32 as in force immediately before the commencement of the *Controlled Substances (Serious Drug Offences) Amendment Act 2005*;
  - (ii) an offence against section 32 (Trafficking) as in force following the commencement of the *Controlled Substances (Serious Drug Offences) Amendment Act 2005*;
  - (iii) an offence against section 33 (Manufacture of controlled drugs for sale);
  - (iv) an offence against section 33A (Sale, manufacture etc of controlled precursor);
  - (v) an offence against section 33B (Cultivation of controlled plants for sale);
  - (vi) an offence against section 33C (Sale of controlled plants);
  - (vii) an offence against section 33F (Sale, supply or administration of controlled drug to child);
  - (viii) an offence against section 33G (Sale, supply or administration of controlled drug in school zone);
  - (ix) an offence against section 33H (Procuring child to commit offence);
  - (x) an indictable offence against section 33I (Supply or administration of controlled drug);
  - (xi) an offence against section 33J (Manufacture of controlled drugs);

- (xii) an offence against section 33K (Cultivation of controlled plants), other than an offence against that section that is a simple cannabis offence within the meaning of section 45A of the *Controlled Substances Act 1984*;
- (xiii) an offence against section 33L (Possession or consumption of controlled drug etc), other than an offence against that section that is a simple possession offence within the meaning of the *Controlled Substances Act 1984*, or a simple cannabis offence within the meaning of section 45A of that Act;
- (xiv) an offence against section 33LA (Possession or supply of prescribed equipment);
- (xv) an offence against section 33LAB (Possession or supply of instructions);
- (xvi) an offence against section 33LB (Possession or supply of prescribed quantity of controlled precursor);
- (xvii) an offence against section 33LD (Intentional manufacture of controlled drug alternative);
- (xviii) an offence against section 33LE (Promoting controlled drug alternative);
- (xix) an offence against section 33LF (Manufacturing, packaging, selling or supplying substance promoted as controlled drug alternative);
- (c) an offence against section 68A(2) of the *Correctional Services Act 1982* (Board may direct person to surrender firearm etc);
- (d) the following offences against the *Criminal Law Consolidation Act 1935*:
  - (i) an offence against Part 3 (Offences against the person etc), other than—
    - (A) a basic offence against section 19(2); or
    - (B) an offence against section 19A(1) where neither a motor vehicle nor motor vessel was used in the commission of the offence; or
    - (C) a first offence that is a basic offence against section 19A(3) where a motor vehicle or motor vessel was used in the commission of the offence but serious harm was not caused to any person; or
    - (D) an offence against section 19A(3) where neither a motor vehicle nor motor vessel was used in the commission of the offence; or
    - (E) an offence against section 19AB(2) where neither a motor vehicle nor motor vessel was used in the commission of the offence; or
    - (F) a first offence that is a basic offence against section 19AD(1); or
    - (G) a basic offence against section 20(3)(a); or

- (H) a basic offence against section 29(2); or
- (I) a basic offence against section 29(3); or
- (J) an offence against section 32A; or
- (K) an offence against section 32C(2); or
- (L) an offence against section 61; or
- (M) an offence against section 78; or
- (N) an offence against section 81; or
- (O) an offence against section 82; or
- (P) an offence against section 83;
- (ii) an offence against Part 3A (Offences relating to public order);
- (iii) an offence against Part 3B (Offences relating to criminal organisations);
- (iv) an offence against Part 4 (Offences with respect to property), other than—
  - (A) an offence against section 85(3); or
  - (B) a basic offence against section 85(4); or
  - (C) an offence against section 85A; or
  - (D) an offence against section 86; or
  - (E) an offence against section 86A;
- (v) an offence against Part 5 (Offences of dishonesty), other than—
  - (A) a basic offence against section 134; or
  - (B) an offence against section 138(2); or
  - (C) an offence against section 138A(2); or
  - (D) a basic offence against section 139; or
  - (E) a basic offence against section 140(4); or
  - (F) an offence against section 140(6); or
  - (G) an offence against section 141(1); or
  - (H) an offence against section 141(2); or
  - (I) an offence against section 142; or
  - (J) an offence against section 143; or
  - (K) an offence against section 144;
- (vi) an offence against Part 5A (Identity theft), other than an offence against section 144D;
- (vii) an offence against Part 6A (Serious criminal trespass), other than a basic offence against section 170A;

- (viii) an offence against section 248 (Threats or reprisals relating to persons involved in criminal investigations or judicial proceedings);
  - (ix) an offence against Part 7 Division 4 (Offences relating to public officers);
  - (x) an offence against section 267AA (Offence where unlawfully supplied firearm used in subsequent offence);
  - (xi) an offence against section 270C (Going equipped for commission of offence of dishonesty or offence against property);
  - (xii) an offence against section 270D (Going equipped for commission of offence against the person);
- (e) an offence against section 24A(2) of the *Criminal Law (Sentencing) Act 1988* (Appropriate board may direct person to surrender firearm etc);
- (f) the following offences against the *Firearms Act 1977*:
- (i) offences against the following sections as in force immediately before the commencement of the *Firearms Act 2015*:
    - (A) section 10C (Effect of firearms prohibition order);
    - (B) section 11 (Possession and use of firearms);
    - (C) section 14 (Trafficking in firearms);
    - (D) section 16 (Requirement for dealer's licence);
    - (E) section 21 (Breach of conditions etc) that relates to a prescribed firearm or a class C, D, or H firearm;
    - (F) section 27 (Manufacture of firearms, firearm parts or silencers);
    - (G) section 27AA (Alteration of firearms);
    - (H) section 28 (False information);
    - (I) section 29 (Handling firearms when under the influence);
  - (ii) an offence against section 14A as in force immediately before the commencement of the *Firearms (Miscellaneous) Amendment Act 2013*;
- (g) the following offences against the *Firearms Act 2015*:
- (i) an offence against section 9 (Possession and use of firearms);
  - (ii) an offence against section 10 (Dealers);
  - (iii) an offence against section 11 (Employment of persons by licensed dealers);
  - (iv) an indictable offence against section 19 (Breach of conditions);
  - (v) an offence against section 22 (Trafficking in firearms);
  - (vi) an indictable offence against section 35 (Code of practice);
  - (vii) an offence against section 37 (Manufacture of firearms, firearm parts or sound moderators);

- (viii) an offence against section 38 (Alteration of firearms);
- (ix) an offence against section 42 (Handling firearms when under influence of intoxicating liquor or drug);
- (x) an offence against section 45 (Effect of firearms prohibition order);
- (xi) an offence against section 60 (Public safety notices);
- (xii) an offence against section 69 (False or misleading information);
- (h) an offence against section 31 of the *Intervention Orders (Prevention of Abuse) Act 2009* (Contravention of intervention order);
- (i) the following offences against the *Serious and Organised Crime (Control) Act 2008*:
  - (i) an offence against section 22 (Offence to contravene or fail to comply with control order) as in force immediately before the commencement of section 6 of the *Serious and Organised Crime (Control) (Miscellaneous) Amendment Act 2012*;
  - (ii) an offence against section 22I (Offence to contravene or fail to comply with control order);
  - (iii) an offence against section 32 (Offence to contravene or fail to comply with public safety order);
  - (iv) an offence against section 34A (Permitting premises to be habitually used as place of resort by members of declared organisation);
  - (v) an offence against section 34B (Recruiting person to become member of declared organisation);
  - (vi) an offence against section 35 (Criminal associations);
  - (vii) an offence against section 36 (Provision of personal details);
- (j) the following offences against the *Summary Offences Act 1953*:
  - (i) an offence against section 6(1) (Assaulting and hindering police);
  - (ii) an offence against section 15A (Possession of body armour) as in force immediately before the commencement of section 4 of the *Summary Offences (Weapons) Amendment Act 2012*;
  - (iii) an offence against section 21B (Body armour);
  - (iv) an offence against section 21F (Prohibited weapons);
  - (v) an offence against section 21I (Effect of weapons prohibition order);
  - (vi) an offence against section 66K (Offence to contravene or fail to comply with notice);
  - (vii) an offence against section 74BJ (Hindering removal or modification of fortifications);
- (k) an offence against section 21 of the *Tattooing Industry Control Act 2015* (Offence to possess certain items in premises where tattooing services provided);

- (l) an offence against section 42A(2) of the *Young Offenders Act 1993* (Training Centre Review Board may direct youth to surrender firearm etc);
- (m) offences consisting of a conspiracy or an attempt to commit an offence referred to in a preceding paragraph;
- (n) an offence substantially similar to any of the offences referred to in a preceding paragraph against the law of the Commonwealth, another State or a Territory of the Commonwealth.

### **Schedule 3—Revocation of *Firearms Regulations 2008***

The *Firearms Regulations 2008* 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 23 May 2017

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