

**SPORTING SHOOTERS
ASSOCIATION OF
AUSTRALIA (A.C.T.) INC.**

**MANUAL
CORE MODULE**

1

LEGISLATION/REGULATIONS

**Legislative & Regulation Requirements
in Relation to the use of Firearms**

**This module develops participants' knowledge and
understanding of
legislative requirements related to the purchase,
possession, storage, carriage, use and disposal of firearms
in the
Australian Capital Territory**

CONTENTS

- Definition of a firearm under the Australian Capital Territory Firearms Act 1996
- Procedures for applying for an ACT Firearms Act Licence
 - Licence categories
 - Prohibited Firearms
 - Genuine reason
 - Minor's permits
- Firearm's licence conditions
 - Form
 - Conditions
 - Term
 - Production of licence on demand
 - Change of address
 - Licence lost / stolen / destroyed
 - Licence cancelled / suspended
- Firearm's registration
- Procedures for purchase / acquisition of a firearm/s
- Procedures for sale / disposal of a firearm/s
- Storage of firearms guidelines
- Ammunition
 - Purchase
 - Possession
 - Collecting
- Carriage and use of a firearm
- Conditions which constitute a breach of the firearms laws

- Basic principles of firearms operation
- Differing types of firearm actions
- Determining the general condition of a firearm
- General safety rules for the handling and use of firearms
- Strategies for enhancing personal safety when using firearms

References

Australian Capital Territory Firearms Regulations 2008
 Australian Capital Territory Firearms Act 1996 republication No36 Effective Jan 6 2014
 Australian Capital Territory Firearms (Amendment) Act 1997
 Australian Capital Territory Prohibited Weapons Act 1996
 Other legislative material as appropriate

ACT Firearms Act 1996

MEANING OF A FIREARM

(1) In this Act:

firearm—

- (a) means a gun, or other weapon, that is, or at any time was, capable of propelling a projectile by means of an explosive force, however caused; and
- (b) includes—
 - (i) a blank fire firearm; and
 - (ii) an airgun; and
 - (iii) a paintball marker; and
 - (iv) something declared to be a firearm under section 31; and
 - (v) a modified item; and
 - (vi) a firearm frame or firearm receiver that does not form part of a firearm.

(2) However, ***firearm*** does not include—

- (a) something prescribed by regulation not to be a firearm; or
- (b) something declared not to be a firearm under section 31.

(3) In this section:

modified item means something that would be a firearm if—

- (a) it did not have something missing from it, or a defect or obstruction;
or
- (b) something had not been added to it.

NOTE: The relevant sections of the ACT Firearms Act and Regulations should be read carefully by every applicant

References

Australian Capital Territory Firearms Regulations 2008
 Australian Capital Territory Firearms Act 1996 republication No36 Effective Jan 6 2014
 Australian Capital Territory Firearms (Amendment) Act 1997
 Australian Capital Territory Prohibited Weapons Act 1996
 Other legislative material as appropriate

LICENCE CATEGORIES

CATEGORY OF LICENCE	FIREARMS TO WHICH LICENCE APPLIES
Category A	a. Air guns b. Rimfire rifles other than self-loading c. Shotguns d. Shotguns and rimfire rifle combinations
Category B	a. Muzzle-loading firearms (other than pistols) b. Centre-fire rifles (other than self-loading) c. Shotgun and centre-fire rifle combinations

PROHIBITED FIREARMS

ITEM	DESCRIPTION
1	A machine gun, sub-machine gun or other firearm capable of propelling projectiles in rapid succession during 1 pressure of the trigger
2	A self-loading rimfire rifle (including such a firearm described elsewhere in this schedule)
3	A self-loading centre-fire rifle (including such a firearm described elsewhere in this schedule)
4	A self-loading or repeating action, eg. Shotgun (including such a firearm described elsewhere in this schedule)
5	A self-loading centre-fire of a kind designed or adapted for military purposes
6	A self-loading shotgun of a kind designed or adapted for military purposes
7	A firearm that substantially duplicates in appearance (regardless of calibre or manner of operation) a firearm referred to in item 1,5 or 6
8	A firearm, having a barrel not less than 400mm in length not being a pistol, of the Uberti or Armi-Jager brands, or a similar firearm fitted with a revolving ammunition cylinder (other than a firearm manufactured before 1920) designed to accept multiple rounds of ammunition which, when operated by mechanical or other means, introduces the rounds to a central firing position (commonly known as a revolving carbine)
9	A shotgun fitted with or designed to be fitted with a drum magazine of the Striker 12 assault shotgun type or any similar firearm
10	A firearm to which there is attached any article or device capable of muffling, reducing or stopping the noise created by firing the firearm
11	A firearm, not being a pistol, fitted with a stock that is specially designed so as to be readily detachable, or to operate on a swivel, folding or telescopic basis

12	A firearm made up in the form of a stylographic or propelling pen or pencil, capable of being used for the discharge of gas, bullets, shot, dye or pyrotechnic flares
13	A firearm capable of discharging by any means (a) any irritant matter in liquid, powder, gas or chemical form (b) any pyrotechnic flare or dye (c) any article known as a “paint ball”
14	A firearm which substantially duplicates in appearance a walking stick or walking cane
15	A canon or other firearm by whatever name known of a type which- a. will expel a projectile by the action of an explosive or other propellant ; and b. has a barrel with a bore in excess of 10 gauge c. not being a firearm of the Very or rocket type designed and intended for use for life saving or distress signalling purposes, an antique muzzle loading firearm, or a rifle or shotgun manufactured before 1920
16	A firearm which, or part of which, has a dimension less than the minimum dimension prescribed for the firearm or part by the regulations
17	An imitation or replica of any firearm (including an imitation or replica pistol, blank fire pistol, shortened firearm, machine gun or sub-machine gun) unless it is of a type approved by the Registrar
18	A device known as a “powerhead” that can be attached to the end of a spear gun and that is designed to propel a projectile by means of an explosion

Please also refer to

Australian Capital Territory Firearms Regulations 2008

Australian Firearms Act 1996

Australian Capital Territory Firearms (Amendment Act) 1997

Australian Capital Territory Firearms Prohibited Weapons Act 1997-

and subsequent amendments or regulations relating to prohibited firearms

Genuine reasons for having a licence

The Registrar shall not issue a licence unless it has been established to the satisfaction of the Registrar that the applicant has a Genuine Reason for possessing or using the firearm

GENUINE REASON	EVIDENCE IN SUPPORT OF APPLICATION
Sport / Target Shooting	Active member of an approved club
Recreational hunting / vermin control	Evidence of permission of owner or occupier of land to shoot on the land Active member of approved recreational hunting club
Primary production	A person whose occupation is the business of a primary producer and intends to use firearms solely in connection with farming or grazing
Vertebrate pest animal control	A professional contract shooter A person employed/authorised by a prescribed government agency that has functions re control of vertebrate pests
Business or employment	Applicant shall demonstrate the necessity to possess or use the firearm for which the licence is sought
Occupational requirements relating to rural purposes	Applicant shall be employed or engaged in a rural occupation that requires possession or use of the firearm
Animal welfare	An officer of the RSPCA A veterinary surgeon A person employed by an administrative unit with animal welfare responsibilities An owner, drover, transporter or handler who may need to destroy animals to avoid suffering
Firearms collection	Applicant shall be a member of a collectors' club or association
Composite entity	Security organisation Approved club

PROCEDURES FOR APPLYING FOR A LICENCE

Applications for licences

An application for a licence shall

- be in a form approved by the Registrar
- be accompanied by the determined fee

An applicant for a licence shall

- be of or above the age of 18 years
- provide proof of the applicant's identity
- provide such other particulars or documents as are prescribed

An applicant at the time of applying is to be provided with

- information re firearms safety training course that is required by the regulations to be completed by the applicant
- information concerning the firearms storage and safety requirements under the Act

A licence shall not be issued until after the end of the period of 28 days following the day on which the application is made

See ACT Firearms Registry website for current forms and fees

<http://www.police.act.gov.au/crime-and-safety/firearms.aspx>

Minor's Firearms permits

An application for a Minor's Firearms Permit shall

- be or above the prescribed age and under the age of 18 years
(ACT Firearms Regulation the age of 12 years is prescribed)
- have completed a firearms safety training course
- be a member of an approved club

The application shall contain the written consent of a parent or guardian to the issue of the permit A Minor's Firearms Permit is to be 1 of the following classes:

A Minor's Firearms Training Permit : *A Minor's Target Pistol Training Permit*

A Minor's Firearms Training Permit

This authorises the minor to possess and use a firearm (other than a pistol or prohibited firearm) under the direct supervision of a holder of a Category A, or B, or C licence or a person authorised by the Registrar, for the purpose of receiving instruction in the safe use of the firearm or participating in a shooting competition approved by the Registrar

A Minor's Target Pistol Training Permit

This authorises the minor to possess and use a target pistol under the personal supervision of the holder of a Category H licence, for the purpose of receiving instruction in the safe use of the pistol or competing in such events as are approved by the Registrar

FIREARMS LICENCING CONDITIONS UNDER THE AUSTRALIAN CAPITAL TERRITORY FIREARMS ACT 1996

Form of Licence

A licence shall

- contain a recent photograph of the person
- bear the signature of the licensee
- specify the licence category
- specify the registered firearm/s to which the licence relates
- specify the genuine reason
- specify the premises where the firearm is authorised to be kept
- contain a reference to the requirement relating to safe storage
- contain other particulars as prescribed

Conditions of Licence

A licence under the *ACT Firearms Act 1996* may be issued by the Registrar subject to such conditions as the Registrar may impose. Some of the conditions are:

- The licensee shall comply with the requirement of safe keeping of the firearms
- The licensee shall not permit any other person to possess or use any firearm in the licensee's possession if that other person is not authorised to possess or use the firearm
- The licensee, at any reasonable time, permit inspection by a police officer of the licensee's facilities in respect to storage and safe keeping of the firearm in the licensee's possession

Term of licence

A licence issued under the *ACT Firearms Act 1996* continues in force from the time it is issued for a period of 5 years (or a shorter period as may be prescribed, unless it is sooner surrendered or cancelled or otherwise ceases to be in force)

Under *ACT Firearms Regulation* the period of 2 years is prescribed in relation to a licence for any category of firearm where the genuine reason is 1 of the following: Vertebrate pest animal control ; Business or employment ; Occupational requirements relating to rural purposes ; Animal welfare ; Composite entity

Production of licence on demand

A person to whom a licence is issued shall on demand by a police officer at any time:

- a. if the person has the licence in his or her immediate possession, produce it for inspection by the police officer
- b. if the person does not have the licence in his or her immediate possession, produce it as soon as practicable (but not more than 24 hours) after the demand is made to the police officer who made the demand or to another police officer nominated by the officer; or
- c. state the person's full name and residential address to the police officer

Change of address

Under provision of the *ACT Firearms Act* a licensee must provide the Registrar with particulars of change of address within 7 days after the change occurs

Licence which is lost, stolen or destroyed

The holder of licence which is lost, stolen or destroyed must notify the Registrar within 7 days of becoming aware of its being lost, stolen or destroyed. Upon payment of the prescribed fee a copy of the licence can be obtained from the Registrar

Suspension and Cancellation of licence

The Registrar may, if the Registrar is satisfied there may be grounds for cancelling a licence, suspend the licence.

The Registrar may cancel a licence by serving personally or by post on the licensee a notice that the licence is cancelled and the reason for cancelling it.

REGISTRATION OF FIREARMS

The ACT Firearms Act 1996 states "A person shall not, without reasonable excuse, sell, purchase, possess or use a firearm that is not registered".

Under the *ACT Firearms Act 1996*, The Registrar of Firearms maintains a **Register of Firearms**, which comprises:

- a. particulars of each registered firearm (including its serial number if any) as are sufficient to identify the firearm and the person in whose name the firearm is registered
- b. particulars of the licence or permit of the person to whom the firearm is registered
- c. such information as may be required by regulation

An application for registration of a firearm shall

- a. be in a form approved by the Registrar
- b. be accompanied by the determined fee

The Registrar may refuse to register a firearm if any firearm to which the application relates is not first produced for inspection by a police officer

Notice of Registration

The Registrar is to issue a notice of registration to the person in whose name the firearm is registered

The following information if required to be included in the Register in relation to each firearm:

- a. The name, address, date of birth and gender of the person in whose name the firearm is registered
- b. Particulars of the licence for the firearm
- c. Identifying number of any spare barrel for the firearm where the barrel and the firearm are of a different calibre
- d. The State or Territory which licensed the person in whose name the firearm is registered
- e. The date on which the person acquired it and disposed of it and the name and address of the person from whom it was acquired

Requirements relating to registered firearms

The person in whose name a firearm is registered shall:

- a. produce the firearm for inspection by a police officer at any reasonable time when requested to do so by the officer
- b. if the firearm is sold, lost, or stolen from that person, notify a police officer of the sale, loss or theft and provide the Registrar, within 7 days, with the particulars

In accordance with *ACT Firearms Regulations*, the particulars of sale, loss or theft of a firearm/s to be provided to the Registrar in writing and include the following:

- a. In the case of a **sale**: the date of the sale and the name and licence details of the licensed firearms dealer or other person to whom the firearm was sold
- b. In any other case: the date of the **loss or theft**, the circumstances and the particulars relating to the identification of the firearm

A person who **acquires** a firearm shall provide the Registrar, within 7 days after the firearm is acquired with such particulars as are prescribed

Lost, destroyed or stolen firearms

Where a firearm in the lawful possession of a person is lost, destroyed or stolen, the person shall, within 2 days after becoming aware of its loss, destruction or theft, notify the Registrar accordingly

Endorsement on licences

The holder of a Category A or B Licence may apply to the Registrar for endorsement on his or her licence of a firearm specified on another Category A or B Licence held by another person

PROCEDURES FOR THE PURCHASE AND/OR ACQUISITION OF A FIREARM

A person shall not, without reasonable excuse, sell, purchase, possess or use a firearm that is not registered

A **permit** is required to authorise a person to acquire a firearm and an application for a permit shall be made in the prescribed manner and accompanied by the determined fee

A person who is the holder of a licence may apply to the Registrar for a permit to acquire a firearm. A separate permit to acquire is required for each firearm to be acquired

Permit to acquire

A permit to acquire will not be issued:

- unless the person is the holder of a licence authorising the person to use or possess the firearm concerned ;
- until after the end of the period of 28 days following the day on which the application for the permit is made ;
- unless the Registrar is satisfied that the applicant has good reason for acquiring the firearm

The permit to acquire a firearm remains in force from the time it is issued for a period of 30 days, or until the firearm to which the permit relates is acquired, whichever is sooner

Purchase of a firearm

A person shall not buy a firearm unless the person *is authorised to possess the firearm by a licence or permit*.

The ACT Firearms Act 1996 states that: A person other than a licensed firearms dealer shall not purchase a firearm from another person unless:

- that other person is a licensed firearms dealer ; or
- the purchase has been arranged through a licensed firearms dealer

A person shall not sell or give by way of a gift a firearm to another person who is the holder of a licence on which no firearm is specified before the expiration of the period of 28 days after the date on which the licence was issued

A person who is the holder of a licence on which no firearm is specified shall not acquire a firearm before the expiration of a period of 28 days after the date on which the licence was issued

A person (other than a licensed firearms dealer) who acquires a firearm shall provide the Registrar, within 7 days after the firearm is acquired, with such details as are prescribed

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

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

If not more than 10 category A or category B firearms are stated in the licence—

(a) the firearms must be stored in a metal lockable container and the firing mechanisms must be stored in a separate lockable metal drawer or container that may be external or internal to the metal lockable container; or

(b) the firearms must be stored in a security container that is constructed of a recognised hardwood and lined with steel sheeting, the door of which is fitted with metal hinges and either—

- (i) an appropriate deadlock; or
- (ii) 2 sliding bolts fitted with padlocks of an appropriate strength.

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

If more than 10 category A or category B firearms are stated in the licence, the firearms must be stored in a metal safe or a concrete or brick safe of a kind described in section 47 (3).

Transportation of firearms, reasonable steps in storing—Act, s 180 (3)

- (1) A person who transports a firearm takes all reasonable steps to ensure that the firearm is stored safely while the firearm is being transported if the firearm is stored in accordance with this section.
- (2) A firearm must—
 - (a) not be loaded with, and must be kept separate from, any ammunition; and
 - (b) if the firearm is being transported using a vehicle other than a motorcycle—
 - (i) be rendered temporarily incapable of being fired; or

Examples

- 1 by removing the bolt or the firing mechanism
- 2 by using a restraining device such as a trigger lock.

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

- (ii) be stored in—
 - (A) a securely locked container that is securely attached to the vehicle; or
 - (B) a securely locked compartment within the vehicle; and
- (c) if the firearm is being transported using a motorcycle—be stored in a lockable hard-case pannier, luggage box or other container appropriate for transporting the firearm; and
- (d) not be able to be seen by a person who is not responsible for transporting the firearm.

Discharge of a firearm - general

1. A person shall not, without reasonable excuse, discharge a firearm on, onto or across-
 - a. land (other than land that is in or near a street or public place) that is
 - i. leased land;
 - ii. occupied pursuant to a licence granted by the Territory; except with the written consent of the lessee or occupier of that land or other person apparently acting with the authority of the lessee or occupier; or
 - b. any other land, except with the approval of the Registrar
2. Subsection 1 does not apply in relation to a person who is on a shooting range owned or occupied by an approved club if the person is taking part in a competition or activity conducted by or in association with the club

Club Armourers

A club armourer can operate as a licensed firearms dealer for purchase, sale or transfer of firearms for members of the club armourers approved club. A Club Armour cannot charge a fee

ACT Firearms Regulation states the following conditions are prescribed in relation to a firearms dealer licence where the licence has been issued for the purposes of being a club armourer:

- a. the licensee shall only buy, sell or transfer firearms or firearms parts from or to persons-
 - i. who are members of the approved club of which the licensee is the armourer; or
 - ii. who are members of an approved club which is visiting that club

Club Instructors

SSAA ACT Instructors are able to provide immediate supervision to unlicensed persons on the range. Persons must be over the age of 12 years to handle a firearm.

Club Range Officers

SSAA ACT Range officers are responsible for the running of the ranges. A Range Officer is on duty Monday – Friday 9am – 4pm and two or more Range Officers are rostered for Sunday morning 9am – 12noon.

PROCEDURES FOR SALE AND/OR DISPOSAL OF A FIREARM

A person shall not, without reasonable excuse, sell, purchase, possess or use a firearm that is not registered

A person shall not sell or give by way of a gift a firearm to another person who is the holder of a licence on which no firearm is specified before the expiration of the period of 28 days after the date on which the licence was issued

A person shall not sell or give possession of a firearm to another person knowing it is unsafe, except after giving an appropriate warning

The person in whose name a firearm is registered shall, if the firearm is sold (lost or stolen) notify a police officer of the sale and provide the Registrar, within 7 days, with such particulars as are prescribed.

Information as prescribed:

the make and serial number ; number of the sellers licence ; the number of the purchaser's permit to acquire ; the name and address of the purchaser ; the date of acquisition.

Particulars of the sale:

the date of the sale and the name and licence details of the licensed firearms dealer or other person to whom the firearm was sold shall be provided to the Registrar in writing

Sale of a firearm

A person other than a licensed firearms dealer shall not sell a firearm to another person unless:

- the other person is a licensed firearms dealer; or
- the sale, in accordance with regulations, has been arranged through a licensed firearms dealer

A person shall not sell or give by way of a gift a firearm to another person who is the holder of a licence on which no firearm is specified before the expiration of the period of 28 days after the date on which the licence was issued

A person who is the holder of a licence on which no firearm is specified shall not acquire a firearm before the expiration of a period of 28 days after the date on which the licence was issued.

Use of mail for sending firearms

A person must not send a firearm by mail to an address in the ACT.

A person must not receive a firearm by mail at an address in the ACT.

A person must not direct or request another person, whether the other person is within or outside the ACT when the request is made, to send a firearm by mail to an address in the ACT, whether or not the request is made in writing or in connection with the purchase by the person of the firearm.

A person must not contravene subsection (2), (3) or (4).

A person is taken to have made such a request if the person accepts an offer made by another person within or outside the ACT to forward a firearm by mail to an address within the ACT.

In this section: *firearm* includes a firearm part.

Offence—disposal of inherited firearms

A person commits an offence if—

- (a) the person inherits a firearm; and
- (b) the person is not authorised by a licence, permit or otherwise under this Act to possess the firearm; and
- (c) the person—
 - (i) applies for a licence or permit in relation to the firearm and does not give the firearm to a licensed firearm dealer to temporarily store; or

Note A firearm is *temporarily stored* by a licensed firearms dealer for a person who inherits the firearm and applies for a licence or permit in relation to the firearm if the dealer stores the firearm until the application is finally decided (including any application

to the ACAT for review of the decision and any subsequent appeal) (see dict, def *temporarily store*).

- (ii) does not dispose of the firearm to a licensed firearms dealer; or
- (iii) does not surrender the firearm to a police officer.

AMMUNITION

Ammunition basically consists of three different types

- Rimfire
- Centrefire
- Shotgun cartridges

It is very important that you do not mix your ammunition. You should only carry with you the correct ammunition for the firearm you are using. It is very easy to confuse centrefire rounds of different calibres. The wrong ammunition in a firearm could result in a firearm exploding and injuring the user

It is very important that you are able to identify and recognise the different types of ammunition to ensure that you avoid mixing your ammunition.

Blank cartridges contain gunpowder and are therefore dangerous. A rifle containing blank cartridges should always be considered as though loaded with normal ammunition and should be treated as a loaded firearm. The normal safety rules applying to a loaded firearm applies to a firearm loaded with blanks

Purchase of ammunition

A person shall not buy ammunition unless the person

- (a) is the holder of a licence or permit for a firearm which takes that ammunition; or
- (b) is authorised to buy it by permit or by the Registrar in writing

Possession of Ammunition

A person shall not possess ammunition unless the ammunition is of a kind that is capable of being discharged from a firearm registered or endorsed on a licence held by that person

Collector of Ammunition

A person may apply to the Registrar for approval to collect ammunition and the application shall be in a form approved by the Registrar

The collection of ammunition would not consist of more rounds of ammunition that are identical as to

- i. manufacture
- ii. date of manufacture
- iii. calibre of type ; or
- iv. if the ammunition bears a cartridge headstamp – the headstamp that the Registrar considers reasonable in the interest of safety of members of the public

CONDITIONS WHICH COULD CONSTITUTE A BREACH OF THE LAW AFFECTING THE USE OF FIREARMS

Possession of a firearm while under the influence of alcohol or drugs

A person shall not possess, carry or use a firearm while the person is under the influence of alcohol or any other drug

Shortening firearms

A person shall not, unless authorised to do so by permit

- (a) shorten any firearm (other than a pistol)
- (b) subject to Subsection 96, possess any such firearm that has been shortened; or
- (c) sell or give possession of any such firearm that has been shortened to another person

Modification of firearms

Refer to *Section 250 of ACT Firearms Act 1996* for definitions and details

Defacing or altering identification marks

A person, shall not, unless authorised by the Registrar to do so

- (a) deface or alter any number, letter or identification mark on any firearm or barrel for a firearm ; or
- (b) have possession of any firearm or barrel for a firearm on which any number, letter or identification mark has been defaced or altered

Possession of a firearm under another licence

A licensee shall not, without reasonable excuse, possess a firearm that is specified on a licence which has been issued to another person unless-

- (a) particulars of that firearm are endorsed on his or her licence ; or
- (b) the licensee is otherwise authorised by this Act to have the firearm in his or her possession.

References

Australian Capital Territory Firearms Regulations 2008
 Australian Capital Territory Firearms Act 1996
 Australian Capital Territory Firearms (Amendment) Act 1997
 Australian Capital Territory Prohibited Weapons Act 1996
 Other legislative material as appropriate