



FIREARMS AND PROHIBITED WEAPONS REGULATIONS 1998

[Consolidated as at 30 October 2013
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Firearms and Prohibited Weapons Regulations 1998

Short title

1. These Regulations may be cited as the *Firearms and Prohibited Weapons Regulations 1998*.

Interpretation

2. In these Regulations, unless the contrary intention appears —
“the Act” means the *Firearms and Prohibited Weapons Act 1997*.

Temporary inoperability

3. For the purposes of the Act, a firearm will be taken to have been rendered temporarily inoperable in the prescribed manner if it has been rendered incapable of being fired —

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

Permanent inoperability

3A. For the purposes of the Act, a firearm of a type referred to in the left hand column of the table of this Regulation will be taken to have been rendered permanently inoperable in the prescribed manner if it is altered in the manner referred to opposite in the right hand column of the table of this Regulation.

TABLE

Firearm Type	Alteration
Small Arms	<p>On weapons with fixed firing pins, grind the pin flush with the face of the bolt.</p> <p>On all other small arms, remove firing pin completely.</p> <p>Fill firing pin hole (from the front end) with weld (where applicable).</p> <p>Weld steel insert into chamber end of barrel to prevent a round being chambered,</p> <p>or</p> <p>drill a hole vertically through the chamber and weld a substantial pin in place to prevent a round being chambered.</p> <p>Immobilise firing mechanism by welding trigger and internal components.</p>
Military Ordinance	
Mortars	<p>Remove or machine off the firing pin or striker.</p> <p>Section the tube at or near the breech end. The opening is to be a circle or quadrilateral of approximately half the weapon calibre.</p> <p>Patch paint sectioned area.</p>
Grenade Launcher (M79 or M203)	<p>Remove the firing pin.</p> <p>Weld firing pin hole.</p> <p>Remove trigger seat.</p> <p>Section the tube at or near the breech end of the underside. The opening is to be a circle or quadrilateral of approximately half the weapon calibre.</p>
Anti tank weapons	<p>Remove the firing pin or needle from the weapon and section that portion of the tube to which the firing pin is mounted.</p> <p>Remove the firing mechanism or generator. The trigger may remain if possible.</p> <p>Patch paint the sectioned area.</p>

Exemptions - Unauthorised possession or use of firearms

3B. If a person who inherits a firearm —

- (a) is not authorised by a licence or permit to possess a firearm of that type; and
- (b) applies within 7 days of acquiring that firearm for a licence or permit authorising the possession of a firearm of that type,

the person is not guilty of the offence under subsection 6(1) of the Act in respect of the possession of that firearm during the period commencing on the acquisition of the firearm and ending on the date on which the issuing officer grants, or refuses to grant that licence or permit.

Exemptions - possession of unregistered firearm

Permit to acquire

3C. (1) A person who acquires a firearm in accordance with a permit to

acquire the firearm is not guilty of an offence under subsection 35(1) of the Act in respect of the possession of the firearm during the period starting on the day on which the person first possesses the firearm and ending on the seventh day after that day.

Inspection under dealer's supervision

(2) A person who —

- (a) possesses a firearm for the purpose of inspecting it on the premises, and under the immediate supervision of, a person who is authorised by a dealer licence to possess a firearm of that type; and
- (b) is authorised by a licence or permit to possess a firearm of that type,

is not guilty of an offence under subsection 35(1) of the Act in respect of that possession.

Dealers

(3) A person who is authorised by a dealer licence to possess or sell a firearm of a type is not guilty of an offence under subsection 35(1) of the Act in respect of the possession or sale of a firearm of that type during the period starting on the day on which the person first possesses the firearm and ending on the seventh day after that day.

(4) A person who is authorised by a dealer licence to possess or use a firearm of a type for the purpose of testing it is not guilty of an offence under subsection 35(1) of the Act in respect of the possession or use of a firearm of that type for that purpose.

Inherited firearms

(5) A person who inherits a firearm is not guilty of an offence under subsection 35(1) of the Act in respect of the possession of that firearm during the period starting on the day on which the person first possesses the firearm and ending on the seventh day after that day.

(6) A person who is authorised by —

- (a) a minor's firearms permit; or
- (b) a theatrical permit; or
- (c) a visiting sporting shooter permit,

to possess or use a firearm of a type is not guilty of an offence under subsection 35(1) of the Act in respect of the possession or use of a firearm of that type in accordance with that authorisation.

Exemption - possession of firearm or ammunition for purpose of surrender

3D. A person is not guilty of an offence by reason of the possession of a firearm or ammunition if the person possesses the firearm or ammunition for the purpose of surrendering it to a police officer.

Exemption - training under supervision

3E. (1) A person is not guilty of an offence by reason of the possession or use of a Category A, B or H firearm for the purpose of receiving instruction, on an approved range, in the use of the firearm, if —

- (a) the person is at least 18 years old; and
- (b) the person possesses or uses the firearm under the immediate supervision of an approved instructor; or
- (c) the firearm is registered to the approved instructor or to the club armourer of an approved club.

(2) A person is not guilty of an offence —

- (a) under subsection 51(1) of the Act if the person sells ammunition to a person who is exempt under subregulation (1) for the purposes referred to in that subregulation; or
- (b) under subsection 51(2) of the Act if the person is a person who is exempt under subregulation (1) and the person buys or possesses ammunition, for the purpose referred to in that subregulation.

Exemption - ships and aircraft

3F. A person is not guilty of an offence by reason of the possession or use of a firearm or ammunition on a ship or aircraft, if —

- (a) the firearm or ammunition is required by law to be carried by the master, captain or a crew member of the ship or aircraft; and
- (b) the person possesses or uses the firearm or ammunition in the course of the person's duties as master, captain or a crew member of that ship or aircraft.

Exemption - commercial carriers

3G. A person is not guilty of an offence by reason of the possession of a firearm or ammunition if —

- (a) the person carries on, or is employed in, a business of transporting goods; and
- (b) the person possesses the firearm or ammunition for the purpose of transporting it in the course of that business.

Exemption - official museums

3H. (1) A person, or person of a class, approved by the Minister for the purposes of this Regulation is not guilty of an offence under Part 2 of the Act in respect of a firearm or ammunition forming part of the collection of an official museum.

(2) An exemption under this Regulation —

- (a) does not apply to use of a firearm; and
- (b) does not operate in respect of a Category A or B firearm unless that firearm has been rendered temporarily inoperable in the prescribed manner; and
- (c) does not operate in respect of a firearm other than a Category A or B firearm unless that firearm has been rendered permanently inoperable in the prescribed manner; and
- (d) is subject to any conditions specified by the Minister in the approval.

(3) In this Regulation —

“official museum” means a museum —

- (a) that is open to the public; and
- (b) that is of an educational, historical or cultural nature; and
- (c) that is operated by the Administration or is approved by the Minister under subregulation (4).

(4) The Minister must not approve a museum for the purposes of paragraph (3)(c) unless the museum —

- (a) is not operated for profit; and
- (b) is publicly funded in whole or in part.

Exemption - Fairs, etc

3J. A person is not guilty of an offence by reason of the possession or use of a firearm, or ammunition for that firearm, for the purpose of shooting at a shooting gallery, show, fair or amusement centre if the person is under the immediate supervision of a person —

- (a) who holds a Category A licence; and
- (b) to whom the firearm is registered.

Variation of licences

3K. (1) A person may apply for the variation of a licence in the same manner that a person may apply for a licence.

(2) The issuing officer must deal with an application for variation of a licence as if it was an application for a licence.

Issuing officer taken to hold firearm dealer licence

3L. For the purposes of section 12(3) of the Act, the issuing officer will be taken to hold a firearm dealer licence.

Exemption – Airport Manager and Deputy Airport Manager

3M. (1) A person appointed or engaged in the capacity of the Manager of the Airport pursuant to the provisions of the *Airport Act 1991* and the *Public Sector Management Act 2000* or any Regulations made thereunder, is not guilty of an offence by reason of the possession or use of a firearm, including a category C firearm, or ammunition for that firearm, for the purposes of clearing Birds, or maintaining a Bird free area, within the boundaries of the Airport as described in the *Airport Act 1991*, PROVIDED that nothing in this Regulation exempts a person so appointed or engaged from compliance with the registration, safety, and storage provisions for firearms outlined in parts 3 and 7 of the Act.

(2) Subregulation (1) applies to a person appointed to, or engaged in, the position of a Deputy Manager of the Airport under the provisions of the *Public Sector Management Act 2000* or any Regulations thereunder when using or possessing a firearm registered in the name of the Airport Manager for the purposes outlined in subregulation (1).

(3) If both the Airport Manager and the Deputy Manager are unable for any reason to carry out their normal duties including the use of a firearm for the purposes described in subregulation (1), a public sector employee to whom the Manager has delegated his authority, or who has been authorised by the Chief Executive Officer or the Executive Director responsible for the Airport, to use or possess a firearm registered in the name of the Airport Manager may do so and the provisions of subregulation (1) apply to such person as to the Airport Manager.

Partial exemption and provisions for Paintball guns

3N. (1) For the purposes of this Regulation a “paintball gun” is a firearm which –

- (a) is pneumatically powered by compressed gas or air;
- (b) is semi-automatic and self loading, or loaded by pump action;
- (c) is provided with a magazine designed to hold a number of individual paintball projectiles;
- (d) is designed and manufactured solely for the purpose of ejecting paintball projectiles, where ‘paintball’ means a projectile filled with a paint or dye containing no noxious, corrosive, or other harmful material, and designed to burst on impact with a person, without injury to that person, leaving the mark or signature of such impact;
- (e) is used exclusively for the organised sport or game of paintball, skirmish, or similar sport or game; and
- (f) is licenced for possession and use in accordance with this Regulation.

(2) For the purposes of section 7 of the Act a paintball gun is deemed to be a firearm to which a category A licence applies and is not a scheduled firearm.

(3) For the purposes of sections 3 and 51 of the Act, and Regulation 19 of these Regulations, ammunition for use in a paintball gun is ammunition for an exempt firearm.

(4) For the purposes of paragraph 57(1)(c) of the Act, a person is authorised to possess a paintball gun for use in the game or sport of paintball, skirmish, or other similar sport or game, subject to the conditions of licence stipulated by the issuing officer, if that person is the person licenced to possess or use the paintball guns or guns, or is a person possessing or using a paintball gun as part of a game or sport operated on premises or land by the licence holder.

(5) For the purposes of sections 20 and 58 of the Act, the issuing officer may, as a condition for issuing a licence for the possession and use of a paintball gun or guns, stipulate requirements, not inconsistent with the Act, for the storage, transport, carrying, holding, and use of such gun or guns, including but not limited to —

- (a) a requirement for protective clothing, helmets, and eye protection of any specified type or standard, to be provided to and worn by any person engaging in any sport, game, or activity using paintball guns;
- (b) conditions for on-site and off-site storage of paintball guns and ammunition for such guns;
- (c) prohibition of the use or possession of any paintball gun or guns outside of, or within any defined area of land;
- (d) restriction of the use or possession of any paintball gun or guns within any defined area of land;

- (e) restriction of the use or possession of any paintball gun or guns or ammunition for such guns to a particular category, class or classes of person, organisation, body, club or group, including persons within a specified age group;
- (f) prohibition of the use or possession of any paintball gun or guns or ammunition for such guns by any particular category, class or classes of person, organisation, body, club, or group, including persons of a specified age group; and
- (g) compliance with any rules or guidelines for participation in the sport or game as the issuing officer thinks fit for the safety of the participants.

Penalty: For breach of this Regulation or of a term or condition of a licence issued under or in accordance with this Regulation – 10 penalty units.

Prescribed form and fee for application for licence

4. (1) A person must apply for a licence of a class in the form approved in respect of that class of licence.

(2) The prescribed fee for the purposes of subsection 15(1) of the Act is 2 fee units.

Prescribed information or evidence - genuine reason

5. For the purposes of paragraph 15(2)(e) of the Act, an application for a licence must be accompanied by the following additional information or evidence about the genuine reason for the possession or use of a firearm of the type to which the licence applies —

- (a) if the genuine reason is the reason referred to in paragraph 13(4) (firearms collecting), written evidence that the collection of firearms is of an obvious and significant commemorative, historical, thematic or investment value; or
- (b) if the genuine reason is the reason referred to in paragraph 17(2)(a) of the Act (sport or target shooting), written evidence that the applicant is a member of an approved club that conducts competitions or activities requiring the use of a firearm of the type for which the licence is sought; or
- (c) if the genuine reason is the reason referred to in paragraph 17(2)(c) of the Act (hunting or vermin control), written evidence that the applicant has the permission of the owner or occupier of land to shoot on that land; or
- (d) if the genuine reason is the reason referred to in paragraph 17(2)(b) of the Act (primary production), written evidence that the applicant is the owner, occupier or manager of land on Norfolk Island, or is the employee of such a person; or

- (e) if the genuine reason is the reason referred to in paragraph 17(2)(d) of the Act (conduct of business or occupation (including a rural occupation)), written evidence that it is necessary for that business or occupation that the applicant possesses or uses a firearm of the type for which the licence is sought; or
- (f) if the genuine reason is the reason referred to in subsection 17(5) of the Act (special clay target shooter), written evidence that the applicant is a member of ACTA or NICTA and —
 - (i) that on 15 November 1996 the applicant was a member of ACTA or NICTA and possessed a Category C shotgun for use in clay target competitions; or
 - (ii) from an officer of ACTA or NICTA, that the applicant has a physical need, for reason of lack of strength or dexterity, that requires the use of a Category C shotgun to participate in clay target competitions.

Prescribed information or evidence - genuine reason

6. For the purposes of paragraph 15(2)(e) of the Act, an application for a firearms dealer licence must be accompanied by proof of the address of the premises where the applicant intends to deal in firearms or ammunition.

Mandatory grounds for refusing a licence application - firearms dealer licences

7. (1) For the purposes of subsection 16(7) of the Act, the issuing officer must refuse to grant a person a firearms dealer licence if the issuing officer is not satisfied that the premises on which the applicant intends to deal in firearms or ammunition are suitable for that purpose.

(2) In determining for the purposes of subregulation (1) whether premises on which an applicant intends to deal in firearms or ammunition are suitable for that purpose, the issuing officer must have regard to —

- (a) the nature of the dealings conducted, or proposed to be conducted, on the premises; and
- (b) the types of firearms to which the licence relates; and
- (c) whether adequate provision has been made for the storage of firearms and ammunition so that the storage complies with the Act and these Regulations; and
- (d) the security of the premises against unauthorised entry; and
- (e) in relation to a licence that authorises the testing of firearms on the premises - whether an approved bullet capture device is provided on the premises.

(3) The issuing officer must not determine that premises on which an applicant intends to deal in firearms or ammunition are suitable for that purpose unless —

- (a) the firearms are to be stored or displayed in a permanent building; and
- (b) the walls of the building are sturdy and provide a physical barrier to entry; and
- (c) any door to the premises —
 - (i) is made of sturdy material covered by a sheet or reinforced steel mesh that is firmly fixed to the door; and
 - (ii) is fitted with locks of the dead latch type, or an extra hasp and padlock; and
 - (iii) has hinges that are concealed or that have had the hinge pins welded; and
- (d) any windows and skylights on the perimeter of the premises are lockable and are fitted with locked security screens; and
- (e) the premises are fitted with an intruder alarm that —
 - (i) includes a space movement detector operating on microwave, passive infrared, ultrasonic or similar system of detection; and
 - (ii) includes an external noise maker that sounds when the alarm is activated; and
 - (iii) is connected to the mains power with a battery backup in case of power failure; and
 - (iv) is in good working order; and
 - (v) is armed at all times when the premises are unattended; and
 - (vi) in the case of premises that include a shopfront - is monitored directly by a private security company.

Prescribed licence conditions

8. For the purposes of subsection 20(3) of the Act, a licence of a type referred to in the left hand column of the table of this Regulation must be subject to the conditions specified opposite in the right hand column of that table —

Licence type	Prescribed conditions
Special Collectors Licences	<p>A Category A, Category B, Category C or Category H firearm in the collection must be rendered temporarily inoperable in the prescribed manner.</p> <p>The holder of the licence must not restore any firearm in the collection to a state in which the firearm can readily be fired unless authorised by another licence or permit.</p> <p>The holder of the licence must not acquire or possess any ammunition for a firearm in the collection unless the holder of the licence is authorised by —</p> <ul style="list-style-type: none"> (a) an ammunition collection permit to acquire or possess ammunition of that type; or (b) a licence or permit authorising the use of a firearm of a type that takes that ammunition. <p>The holder of the licence must not display a firearm in the collection unless authorised to do so by a permit.</p>
Heirloom licences	<p>Any firearm to which the licence applies must be rendered permanently inoperable in the prescribed manner.</p> <p>The holder of the licence must not restore any firearm to which the licence applies to a state in which the firearm can readily be fired.</p> <p>The holder of the licence must not display a firearm to which the licence applies unless authorised to do so by a permit.</p>
War souvenir licences	<p>Any firearm to which the licence applies must be rendered permanently inoperable in the prescribed manner.</p> <p>The holder of the licence must not restore any firearm to which the licence applies to a state in which the firearm can readily be fired.</p> <p>The holder of the licence must not display a firearm to which the licence applies unless authorised to do so by a permit.</p>
Category A and B licences	<p>If the genuine reason for the possession or use of a firearm of the type to which the licence applies is a reason referred to in paragraph 17(4)(a) of the Act (sport or target shooting) - the licensee must ensure that, within 30 days of the end of each calendar year, the issuing officer is provided with written evidence from an approved club that conducts competitions or activities requiring the use of a firearm of the type for which the licence is sought that satisfies the issuing officer that the licensee is an active member of the club.</p>

Licence type	Prescribed conditions
Special Category C licence	<p>The licensee must ensure that, within 30 days of the end of each calendar year, the issuing officer is provided with written evidence from —</p> <ul style="list-style-type: none"> (a) ACTA or NICTA; and (b) a club (the club) affiliated with ACTA or NICTA, <p>that satisfies the issuing officer that the licensee is a member of those bodies; and</p> <p>The licensee must participate in at least 4 competitions each calendar year conducted by the club; and</p> <p>The licensee must only use a shotgun of the type authorised by the licence on an approved range for the purpose of ACTA, NICTA or club competitions or associated training; and</p> <p>A shotgun of a type authorised by the licence must not be loaded with more than 2 shots at any one time.</p>
Category H licences	<p>If the genuine reason for the possession or use of a firearm of a Category H firearm is a reason referred to in paragraph 17(4)(a) of the Act (sport or target shooting) - the licensee must ensure that, within 30 days of the end of each calendar year, the issuing officer is provided with written evidence from an approved club that conducts competitions or activities requiring the use of a firearm of the type for which the licence is sought that satisfies the issuing officer that the licensee is an active member of the club.</p> <p>If the genuine reason for possessing or using a Category H firearm is a reason referred to in paragraph 17(4)(c) of the Act (conduct of business or occupation (including a rural occupation)), the licensee must pass an examination in the safe handling or use of a Category H firearm conducted by an approved instructor at least once in every 12 month period for which the licence is in force.</p>
Dealer licences	<p>The licensee must not operate as a dealer at premises other than the premises specified in the licence unless authorised by the issuing officer.</p> <p>In respect of a dealer licence issued to a licensee for the purpose of being a club armourer, the licensee must only deal in firearms or ammunition with —</p> <ul style="list-style-type: none"> (a) members of the club for which the licensee is the armourer; or (b) members of another approved club who are visiting that club; or (c) the holder of another dealer licence.

Revocation of permit - prescribed reasons

9. For the purposes of paragraph 20(2)(d) of the Act, a licence may be revoked if the issuing officer is not satisfied that the licensee is meeting the relevant storage and safety requirements of the Act in respect of any firearm or ammunition referred to in the licence.

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Prescribed form and fee for application for permit

12. (1) A person must apply for a permit of a class in the form approved in respect of that class of permit.

(2) The prescribed fee for the purposes of subsection 26(1) of the Act is 2 fee units.

Application for permits - prescribed information or evidence

13. (1) For the purposes of subsection 26(2) of the Act, an application for a permit to acquire a firearm must specify —

- (a) the make, model, calibre, action, magazine capacity and identification number (if any) of the firearm that the applicant intends to acquire; and
- (b) the name and the address of the person from whom the firearm is to be acquired; and
- (c) the number of the licence held by the applicant that authorises the possession of a firearm of that type.

(2) For the purposes of paragraph 26(3)(d) of the Act, an application for a minor's firearms permit must be accompanied by written evidence that the applicant is an active member of an approved club that conducts competitions or activities requiring the use of a firearm of the type for which the licence is sought.

Application for permits - prescribed information or evidence - visiting sporting shooter permits

14. (1) An applicant for a visiting sporting shooter permit is exempt from paragraph 26(1)(a) and paragraphs 26(3)(a) to (c) of the Act.

(2) For the purposes of paragraph 26(3)(d) of the Act, an application for a visiting sporting shooter permit must be accompanied by the following information —

- (a) the applicant's name, address and date of birth; and
- (b) the applicants passport number, the country that issued the passport and the expiry date of the passport; and
- (c) the applicant's visa number and the expiry date of that visa; and
- (d) the period that the applicant intends to stay in Australia; and
- (e) the date and address of the competitive target shooting events in which the applicant intends to participate; and
- (f) the make, model, calibre, action, magazine capacity and identification number (if any) of the firearms that the applicant is importing; and
- (g) if the applicant intends to import more than one firearm for competitive target shooting - evidence as to why the applicant requires more than one firearm for that reason; and

- (h) either —
- (i) the number of the applicant's firearms licence, the country that granted the licence and the licence expiry date; or
 - (ii) a clearance certificate signed by a relevant authority in the applicant's home country that certifies that the applicant is lawfully entitled to possess and use firearms in that country.

Form of Permits - prescribed matters

15. For the purposes of paragraph 26B(j) of the Act, a permit notice for a visiting sporting shooter permit must also specify —

- (a) the conditions of the permit; and
- (b) the holder's home address; and
- (c) the name and contact number of the issuing officer.

Conditions of permits - prescribed conditions

16. For the purposes of subsection 26C(3) of the Act, a permit of a type referred to in the left hand column of the table of this Regulation must be subject to the conditions specified opposite in the right hand column of that table —

Licence type	Prescribed conditions
Firearms permits	The holder of the permit must not display any firearm to which the permit applies unless authorised to do so by a permit to display a firearm.
Visiting sporting shooter permits	Any firearm to which the permit applies must be exported from Australia before the permit expires. The holder of the permit must carry the permit at all times and produce it to a police officer or the issuing officer if requested.
Ammunition collection permit	The holder of the permit must not display any ammunition to which the permit applies unless authorised to do so by an ammunition display permit.

Automatic revocation of permits

16A. For the purposes of paragraph 26E(1)(c) of the Act —

- (a) a permit to display, modify or shorten a firearm is automatically revoked if the licence authorising the holder to possess a firearm of that type is cancelled; and
- (b) an ammunition collection display permit is automatically revoked if the ammunition collection permit authorising the holder to possess ammunition of that type is revoked.

Revocation of permit - prescribed reasons

16B. For the purposes of paragraph 26E(2)(d) of the Act, a permit may be revoked if the issuing officer is not satisfied that the holder is meeting the relevant storage and safety requirements of the Act in respect of any firearm or ammunition referred to in the permit.

Register of firearms - prescribed information

16C. For the purposes of subsection 32(2) of the Act, the Register must contain the following information for each firearm that is registered —

- (a) the name, address, date of birth and gender of the person to whom the firearm is registered; and
- (b) the make, model, calibre, action, magazine capacity and identification number (if any) of the firearm; and
- (c) in respect of the person to whom the firearm is registered, all the details of the person's firearm licence or dealer licence that authorises that person to possess a firearm of that type (including, for a firearm licence, the genuine reason); and
- (d) details of the permit to acquire the firearm (if any); and
- (e) the date on which the firearm was acquired by the person to whom it is registered and the name and address of the person who acquired it; and
- (f) the address of the place where the firearm is generally stored.

Record of licences and permits - prescribed information

16D. For the purposes of subsection 32A(2) of the Act, the record of licences and permits must contain the following information —

- (a) all information relevant to the application for a licence or permit; and
- (b) if the licence or permit is not granted - particulars of the refusal to grant; and
- (c) if the licence or permit is granted - particulars of the grant; and
- (d) if the licence or permit is suspended or cancelled, particulars of the suspension or cancellation;
- (e) the name, address, date of birth and gender of the person to whom the firearm is registered; and
- (f) the licence or permit holder's signature; and
- (g) the licence category or permit type; and
- (h) the day specified by the issuing officer as the day that the licence or permit starts to be in force; and
- (j) for a firearm licence, the genuine reason for which the holder is authorised by that licence category to possess or use a firearm of that type; and
- (k) the licence or permit number.

Permit application fee

16E. For the purposes of paragraph 33(1)(c) of the principal Act, the prescribed fee is 2 fee units.

Requirements relating to registered firearms - particulars

17. (1) For the purposes of paragraph 36(1)(b) of the Act particulars of the sale, loss or theft must, if the police officer requires, be supplied in writing verified by statutory declaration.

(2) For the purposes of subsection 36(2) of the Act, the prescribed particulars are the particulars required to be included in the Register of firearms in respect of the acquisition.

Recording of transactions

18. (1) For the purposes of paragraph 40(1)(b) of the Act, a record must be sent to the issuing officer not later than 7 days after the relevant transaction or dealing.

(2) For the purposes of paragraph 40(2)(e) of the Act, the following particulars must also be contained in a record kept in respect of each purchase, receipt, sale or transfer of a firearm or ammunition by a dealer —

- (a)** if the person is authorised by a licence granted in a State, or other Territory, of the Commonwealth to possess a firearm or ammunition of that type, the category of licence and the name of the State or Territory;
- (b)** if the dealer modifies, maintains, repairs or tests a firearm, a description of the modification, maintenance, repair or test provided; or
- (c)** if the dealer transfers a firearm that the dealer has manufactured, the date of completion of the manufacture.

Prescribed amount of ammunition

19. For the purposes of section 51 of the Act, the prescribed amount of ammunition —

- (a)** in respect of a licence or permit authorising the possession or use of a firearm for sport or target shooting is 1,000 cartridges for each firearm possessed by the person under that authorisation; or
- (b)** in respect of any other firearm licence or firearm permit is 300 cartridges for each firearm possessed by the person under that licence or permit.

Transport of scheduled firearms or pistols - prescribed safety requirements

20. For the purposes of section 56E of the Act, the safety requirements for the transport of a scheduled firearm (other than a scheduled firearm that has been rendered permanently inoperable) or a Category H firearm are as follows —

- (a)** the firearm must be stored in —
 - (i)** a locked container secured to the vehicle, vessel or aircraft being used to transport the firearm; or
 - (ii)** a locked compartment within that vehicle, vessel or aircraft; and
- (b)** the firearm must be rendered temporarily or permanently inoperable in the prescribed manner; and
- (c)** the firearm must not be able to be seen while it is being transported;

and

- (d) the firearm must not be loaded with any ammunition; and
- (e) if the firearm is being transported other than in the course of a business of transporting goods, the firearm must be kept separate from any ammunition.

....

Appeal - prescribed period

23. For the purposes of subsection 60(2) of the Act, the prescribed period is 28 days.

Not firearms

24. For the purpose of the definition of “firearm” in subsection 3(1) of the Act, the following are declared not to be firearms —

- (a) any firearm manufactured before 1 January 1900 for which ammunition is not readily commercially available;
- (b) a nailing or stapling gun;
- (c) an explosive-powered fixing tool;
- (d) a device for the casting of weighted nets;
- (e) a flare gun, or other signalling device, designed for emergency or life saving purposes;
- (f) a line thrower;
- (g) an underwater powerhead;
- (h) a pneumatic underwater spear gun;
- (j) a hand operated device that uses blank cartridges to propel objects for retrieval in connection with the training of dogs;
- (k) a gun that operates a captive bolt for the slaughter of animals;
- (l) a sidewall core gun designed for geological or mining purposes, or both;
- (m) an expandable casing perforation gun designed for geological or mining purposes or both;
- (n) an industrial tool designed to be used in the mining and steel industries to remove refractory material (such as slag) from kilns or for other similar purposes (for example, the “Slag Buster Kiln Gun”).

Firearms

24A. For the purpose of the definition of “firearm” in subsection 3(1) of the Act, the following are declared to be firearms —

- (a) any air rifle.

Dimensions of pistols

25. For the purpose of paragraph (b) of the definition of “pistol” in subsection 3(1) of the Act, the prescribed dimensions are —

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

Service

26. If the Act or these Regulations require or permit a notice or other communication to be given to a person, that notice or other communication will be taken to have been duly given to that person if it is sent by prepaid post to that person at the last postal address given in respect of that person to the issuing officer.

Prescribed dates

27. For the purposes of paragraphs 67(1)(b) and (c) of the Act, the prescribed date is 30 August 2000.

NOTES

The *Firearms and Prohibited Weapons Regulations 1998* as shown in this consolidation comprises Regulations No. 10 of 1998 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Firearms Regulations 1998</i>	10, 1998	10.12.98	
<i>Firearms Amendment Regulations 1999</i>	8, 1999	9.12.99	
<i>Firearms (Special Visiting Shooter Permits) Amendment Regulations 2000</i>	1, 2000	21.1.00	Expired 3 months after commencement
<i>Firearms Amendment (No. 2) Regulations 2000</i>	2, 2000	23.3.00	
<i>Firearms Amendment (No. 3) Regulations 2000</i>	4, 2000	16.6.00	
<i>Firearms Amendment (No. 4) Regulations 2000</i>	11, 2000	5.10.00	
<i>Firearms Amendment (Paintball) Regulations 2000</i>	13, 2000	14.12.00	
<i>Firearms Amendment Regulations 2004</i>	10, 2004	2.7.04	
			[previously consolidated as at 20 August 2004 as re-issued 27 July 2010]
<i>Interpretation (Amendment) Act 2012</i> [to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]	14, 2012	28.12.12	

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and
 inserted substituted

Provision affected	How affected	
2	am	Reg 2, 2000
3	rs	Reg 8, 1999
3A	ad	Reg 8, 1999
3B	ad	Reg 8, 1999
3C	ad	Reg 8, 1999
3D	ad	Reg 8, 1999
3E	ad	Reg 8, 1999
3F	ad	Reg 8, 1999
3G	ad	Reg 8, 1999
3H	ad	Reg 8, 1999
3J	ad	Reg 8, 1999
3JA	ad	Reg 1, 2000 (self repealed 3 months after commencement)
3K	ad	Reg 8, 1999
3L	ad	Reg 8, 1999
3M	ad	Reg 11, 2000
3M(3)	ad	Reg 10, 2004
3N	ad	Reg 13, 2000
5	rs	Reg 8, 1999
	am	Reg 4, 2000
6	rs	Reg 8, 1999
7	rs	Reg 8, 1999
8	rs	Reg 8, 1999
9	rs	Reg 8, 1999
10	rep	Reg 8, 1999
11	rep	Reg 8, 1999
13	rs	Reg 8, 1999
14	rs	Reg 8, 1999
15	rs	Reg 8, 1999
16	rs	Reg 8, 1999
16A	ad	Reg 8, 1999
16B	ad	Reg 8, 1999
16C	ad	Reg 8, 1999

Table of Amendments

ad = added or am = amended rep = repealed rs = repealed and
 inserted substituted

Provision affected	How affected
16D	ad Reg 8, 1999
16E	ad Reg 8, 1999
18(2)	ad Reg 8, 1999
19	rs Reg 8, 1999
20	rs Reg 8, 1999
21	rep Reg 8, 1999
22	rep Reg 8, 1999
24	am Reg 8, 1999
24A	ad Reg 4, 2000
26	ad Reg 8, 1999
27	ad Reg 8, 1999
	am Reg 2, 2000

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