



Australian Capital Territory

Firearms Regulations¹ (Amendment)

Subordinate Law No. 17 of 1999²

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

Dated 31 August 1999.

GARY HUMPHRIES
Minister

BRENDAN SMYTH
Minister

1. Commencement

These regulations commence on the day on which section 5 of the *Firearms (Amendment) Act 1999* commences.

2. Principal Regulations

In these regulations, “Principal Regulations” means the *Firearms Regulations*.

3. Substitution

Regulation 10A of the Principal Regulations is repealed and the following regulation substituted:

“10A. Temporary recognition of interstate licences

“(1) The following purpose is prescribed for subparagraph 43 (a) (ii) of the Act, namely, to conduct an air gun shooting gallery—

- (a) at the National Exhibition Centre during the period determined by the Royal National Capital Agricultural Society for the holding of the Royal Canberra Show; or
- (b) during the period determined by ACT Festivals Incorporated for the holding of the Canberra National Multicultural Festival.

“(2) For the purposes of subsection 43 (2) and paragraph 43 (3) (b) of the Act, the prescribed conditions for the possession or use of a firearm are—

- (a) that the person complies with the provisions of Part 5 of the Act, and any requirements prescribed for the purposes of that Part, applicable to a firearm of a kind to which the corresponding category A, category B, category C or category H licence issued in the Territory applies; and
- (b) that the person shall not permit any other person to possess or use any firearm in his or her possession if that other person is not authorised to possess or use the firearm.

“(3) For the purposes of paragraph 43 (3) (b) of the Act, the prescribed requirements are that—

- (a) the person—
 - (i) on 15 November 1996—
 - (A) possessed a semiautomatic or pump action shotgun for use in clay target competition; and
 - (B) was a member of a club affiliated with the Australian Clay Target Association; and
 - (ii) is a member of a club affiliated with the Australian Clay Target Association; or

- (b) the person's application for a licence in the State or Territory that issued the licence was supported by a statement in writing from an officer of a club affiliated with the Australian Clay Target Association, that satisfied the person holding or performing the duties of the office in that State or Territory that corresponds to the Registrar, that the applicant is physically unable to compete in clay target competition unless he or she uses a semiautomatic or pump action shotgun.”.

4. Repeal

Regulation 23 of the Principal Regulations is repealed.

5. Substitution

Regulation 29 of the Principal Regulations is repealed and the following regulations are substituted:

“29. Applications for permits

“(1) For the purposes of subsection 47 (1) of the Act, the prescribed manner of making an application is—

- (a) for a permit under section 45A of the Act—by lodging it at the Firearms Registry in accordance with subregulation (2); or
- (b) for any other permit—by lodging it personally at the Firearms Registry.

“(2) An application for a permit under section 45A of the Act shall—

- (a) be lodged at the Firearms Registry—
 - (i) not less than 30 days before the applicant's arrival in the Territory; or
 - (ii) within such shorter period as the Registrar allows, if the Registrar is satisfied that exceptional circumstances prevent, or have prevented, compliance with subparagraph (i);
- (b) include the following information:
 - (i) the applicant's name, date of birth and residential address in the country in which the applicant resides;
 - (ii) the applicant's passport number, country of issue and date of expiry;

- (iii) the number of the applicant's visa (if any) and its date of expiry;
- (iv) the number of the applicant's firearms licence (if any), its country of issue and date of expiry;
- (v) if the applicant is not the holder of a firearms licence—a certificate signed by the authority responsible for authorising possession or use of firearms in the applicant's country of residence to the effect that the applicant is lawfully entitled to possess or use in that country the type of firearm for which the permit is sought;
- (vi) the make, model, calibre, action and serial number of the firearm for which the permit is sought;
- (vii) if the applicant intends to import more than 1 firearm into Australia, details of the special need for the additional firearm;
- (viii) the purpose for which the permit is required;
- (ix) if the applicant intends to participate in a shooting competition in Australia—the date and location of the competition;
- (x) the intended period of the applicant's stay in Australia;
- (xi) whether or not the applicant, in the Territory, a State, another Territory or another country—
 - (A) has, within the period of 10 years before the application for the permit is made, been convicted of an offence prescribed for the purposes of paragraph 46 (3) (a) of the Act, whether or not the offence is an offence under a law of the Territory;
 - (B) is, or has been at any time within 10 years before the application for the permit is made, subject to an order or other restriction having the same or substantially the same effect as a protection order under the *Domestic Violence Act 1986* (other than an order or other restriction which has been revoked);
 - (C) is subject to a recognisance to keep the peace or to a requirement having the same or substantially the same effect; or

(D) is subject to an order or other restriction having the same or substantially the same effect as a firearms protection order; and

(c) include the following documents:

- (i) a copy of the applicant's passport that shows the information required under subparagraph (b) (ii);
- (ii) 2 passport size portrait photographs of the applicant;
- (iii) 3 samples of the applicant's signature.

“(3) For the purposes of subsection 46 (5) of the Act, the Registrar may refuse to issue a permit if he or she is not satisfied as to the identity of the applicant.

“29A. International visitors—form of temporary permits

For the purposes of subsection 47 (2) of the Act, a permit issued under section 45A of the Act shall include—

- (a) the permit holder's name and residential address;
- (b) the purpose for which the firearm may be possessed or used;
- (c) the category of licence that would be required to possess or use the firearm in the Territory;
- (d) the make, model, calibre and serial number of the firearm for which the permit is issued;
- (e) the conditions to which the permit is subject;
- (f) the permit's expiry date;
- (g) the name and telephone number of the issuing authority; and
- (h) a recent photograph of the permit holder.”.

6. Photograph on permits

Regulation 30 of the Principal Regulations is amended—

- (a) by omitting “A permit” and substituting “Subject to subregulation (2), a permit”;
- (b) by omitting “person to whom it is issued” and substituting “permit holder”; and
- (c) by adding at the end the following subregulation:

“(2) This regulation does not apply to a permit issued under section 45A of the Act.”.

7. Insertion

The Principal Regulations are amended by inserting after regulation 30 the following regulation:

“30A. **International visitors—conditions of permits or authorisations**

“(1) For the purposes of paragraph 47 (3) (a) of the Act, the following are the conditions of a permit issued under section 45A of the Act:

- (a) that the person possess or use a firearm only for the purpose stated in the permit;
- (b) that the person comply with the provisions of Part 5 of the Act, and any requirements prescribed for the purposes of that Part, that are applicable to a firearm of a kind to which the corresponding category A, category B, category C or category H licence issued in the Territory applies;
- (c) that the person not permit any other person to possess or use any firearm in his or her possession if that other person is not authorised to possess or use the firearm;
- (d) that the person carry the permit when he or she is in possession of or using the firearm to which the permit relates and produces the permit to a police officer on request.

“(2) For the purposes of paragraph 49A (2) (b) of the Act, the prescribed conditions are the conditions specified in paragraphs (1) (a) to (d) (inclusive).”.

8. **Miscellaneous and formal amendments**

The Principal Regulations are amended as set out in the Schedule.

SCHEDULE

Regulation 8

MISCELLANEOUS AND FORMAL AMENDMENTS

Regulation 4—

Omit “subsection 4 (1)” substitute “section 4”.

Regulation 11—

Omit “sport,” substitute “sport or”.

Regulation 49—

Omit “6 (2)”, substitute “6A”.

NOTES

Principal Regulations

1. Republished as in force on 31 July 1999.

Notification

2. Notified in the ACT Gazette on 15 September 1999.

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