

NORTHERN TERRITORY OF AUSTRALIA

FIREARMS REGULATIONS

As in force at 1 September 2000

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 September 2000

FIREARMS REGULATIONS

Regulations under the *Firearms Act*

Part 1 Preliminary

1 Citation

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

Part 2 Licences

Division 1 Requirements relating to grant of licences

2 Requirements relating to sports shooting

An applicant for a licence whose genuine reason for possessing or using firearms is sports shooting must be a member of an approved firearms club.

3 Requirements relating to recreational shooting or hunting

An applicant for a licence whose genuine reason for possessing or using firearms is recreational shooting or hunting must:

- (a) be the owner or occupier of rural land;
- (b) produce proof of permission given by the owner or occupier of rural land to shoot on the rural land;
- (c) produce proof of permission given by an employee of an Agency, within the meaning of the *Public Sector Employment and Management Act*, to shoot on Crown land; or
- (d) produce proof of permission given by the clerk of a local government council to shoot on land owned or occupied by the council.

4 Requirements relating to primary production

An applicant for a licence whose genuine reason for possessing or using firearms is primary production must:

- (a) be a person who is a primary producer or the owner, lessee or manager of land used for primary production; and
- (b) produce evidence to the Commissioner's satisfaction that he or she intends to use firearms solely in connection with farming or grazing activities (including the suppression of vertebrate pest animals on the land).

5 Requirements relating to vertebrate pest animal control

An applicant for a licence whose genuine reason for possessing or using firearms is vertebrate pest animal control must be:

- (a) a professional contract shooter engaged or employed in controlling vertebrate pest animals on rural land; or
- (b) a person employed by or in, or authorised by, an Agency, within the meaning of the *Public Sector Employment and Management Act*, or a government or local government organisation, that has functions relating to the control or suppression of vertebrate pest animals.

6 Requirements relating to business or employment

An applicant for a licence whose genuine reason for possessing or using firearms is business or employment must demonstrate that it is necessary in the conduct of the applicant's business or employment to possess or use firearms for which the licence is sought.

7 Requirements relating to occupational requirements

An applicant for a licence whose genuine reason for possessing or using firearms is occupational requirements must be employed or engaged in an occupation that requires the possession or use of firearms for which the licence is sought.

8 Requirements relating to animal welfare

An applicant for a licence whose genuine reason for possessing or using firearms is animal welfare must be:

- (a) an officer of the Royal Society for the Prevention of Cruelty to Animals established in the Territory;

- (b) a registered veterinarian or registered veterinarian specialist, within the meaning of the *Veterinarians Act*;
- (c) a person employed by or in an Agency, within the meaning of the *Public Sector Employment and Management Act*, or a government or local government organisation, responsible for animal welfare; or
- (d) an owner, transporter, drover or other handler of animals who may need to destroy animals to avoid suffering.

9 Requirements relating to firearms collection

An applicant for a licence whose genuine reason for possessing firearms is firearms collection must:

- (a) be a member of an approved society or club the members of which collect firearms of the kind for which the licence is sought; and
- (b) collect firearms for display:
 - (i) as curiosities or ornaments; or
 - (ii) for their historic or artistic value or mechanical uniqueness.

10 Requirements relating to museum display

An applicant for a licence whose genuine reason for possessing or using firearms is museum display must collect firearms for display:

- (a) as curiosities or ornaments; or
- (b) for their historic or artistic value or mechanical uniqueness.

11 Requirements relating to inheritance

An applicant for a licence whose genuine reason for possessing a firearm is inheritance must:

- (a) produce proof of the inheritance; and
- (b) not qualify to possess the firearm under any other licence.

Division 2 Grounds for not granting licences

12 Restrictions on granting licences for category C firearms

- (1) The Commissioner is not to grant a licence authorising the possession or use of category C firearms unless:
- (a) the genuine reason established by the applicant for the licence is:
 - (i) sports shooting;
 - (ii) animal welfare;
 - (iii) primary production; or
 - (iv) firearms collection;
 - (b) the applicant produces evidence to the Commissioner's satisfaction that there is a genuine need for the applicant to possess or use category C firearms; and
 - (c) the applicant produces evidence to the Commissioner's satisfaction that the genuine need is not met by any other means (including by the possession or use of category A firearms or category B firearms).
- (2) Where the genuine reason established under subregulation (1) is sport shooting, an applicant is to be taken to have complied with paragraphs (b) and (c) where the applicant satisfies the Commissioner that:
- (a) he or she is a member of an approved firearms club; and
 - (b) members of the firearms club compete in disciplines conducted by the Olympic Games or the Commonwealth Games or at national, international or world championships.

13 Restrictions on granting licences for category D firearms

- (1) The Commissioner is not to grant a licence authorising the possession or use of category D firearms unless:
- (a) the genuine reason established by the applicant for the licence is:
 - (i) vertebrate pest animal control;
 - (ii) primary production; or

- (iii) firearms collection; and
 - (b) the applicant produces evidence to the Commissioner's satisfaction that there is a genuine need for the applicant to possess or use category D firearms.
- (2) Where the genuine reason established under subregulation (1) is primary production, the applicant must produce evidence to the Commissioner's satisfaction that he or she needs to possess or use category D firearms for the culling of large feral animals and the need is not met by any other means (including by the possession or use of another category of firearm or the employing of a professional contract shooter).

14 Restrictions on granting licences for category H firearms

The Commissioner is not to grant a licence authorising the possession or use of category H firearms unless:

- (a) the genuine reason established by the applicant for the licence is:
 - (i) sport or target shooting;
 - (ii) business or employment; or
 - (iii) firearms collection; and
- (b) the applicant produces evidence to the Commissioner's satisfaction that there is a genuine need for the person to possess or use category H firearms.

15 Restrictions on granting firearms dealer licences

- (1) The Commissioner is not to grant a firearms dealer licence in respect of category C firearms, category D firearms or category H firearms unless:
 - (a) the applicant for the licence is already the holder of a firearms dealer licence;
 - (b) the applicant produces evidence to the Commissioner's satisfaction that the applicant derives a substantial part of his or her income from dealing in firearms; and
 - (c) the Commissioner is satisfied that the applicant has complied with the reporting and the storage and safe keeping requirements in respect of the firearms dealer licence held by the applicant.

- (2) Subregulation (1) does not apply where the applicant is an approved firearms club.

16 Restrictions on granting firearms corporate licences

The Commissioner is not to grant a firearms corporate licence unless satisfied:

- (a) the applicant is engaged in a business or undertakes activities in respect of which there is a need to possess or use firearms;
- (b) the applicant has made adequate provision for the safe storage and control of firearms the applicant will possess; and
- (c) the applicant has made arrangements, when required by the Commissioner, for those employees of the applicant who will possess firearms to undertake an approved firearms training and safety program.

17 Restrictions on granting firearms employee licences

The Commissioner may refuse to grant a firearms employee licence unless satisfied that the applicant has satisfactorily completed an approved firearms training and safety program.

Division 3 Conditions applying to licences

18 Conditions applying to certain shooter's licences

- (1) A shooter's licence authorising the possession or use of category D firearms granted to an applicant whose genuine reason is primary production is subject to the following conditions:
- (a) the holder may only possess or use category D firearms in an area specified by the Commissioner;
 - (b) the holder must obtain the approval of the Civil Aviation Safety Authority before using category D firearms from a helicopter;
 - (c) the holder is to use category D firearms for culling from the ground only when airborne culling is not practicable;
 - (d) at the expiration of the licence, all category D firearms must be surrendered to a member of the Police Force or stored or disposed of in an approved manner.

- (2) A shooter's licence authorising the possession or use of category C firearms, that are shotguns, granted to an applicant in accordance with regulation 12(2) is subject to the following conditions:
- (a) the holder must take part in not less than 4 clay target competitions conducted by the club of which he or she is a member in each year of the licence; and
 - (b) the holder may only use a shotgun under the licence:
 - (i) at premises occupied by a firearms club that are approved under Part 8 of the Act; and
 - (ii) in accordance with approved competition and associated training programs (including the loading of not more than 2 cartridges at a time).

19 Conditions applying to firearms collector licences

A firearms collector licence is subject to the following conditions:

- (a) all category D firearms in the collection must be rendered permanently incapable of being fired;
- (b) all category C firearms in the collection must be rendered temporarily incapable of being fired by the removal and separate storage of the bolt or firing pin or by a trigger lock, or by an approved method;
- (c) the holder must not restore a category D firearm in the collection to a state that it can be fired.

20 Condition applying to firearms heirloom licences

A firearm heirloom licence is subject to the condition that a firearm specified in the licence must be permanently incapable of being fired.

Part 3 Storage and safe keeping

21 Storage and safe keeping requirements for category A and category B firearms

A category A firearm or category B firearm must be stored in accordance with the following requirements:

- (a) when the firearm is not actually being used or carried, it must be stored in a locked receptacle of an approved type;

- (b) if the receptacle weighs less than 150 kg when empty, it must be fixed to a wall or floor in a manner that prevents its easy removal;
- (c) ammunition for the firearm must be stored in a locked container that is kept separate from the receptacle containing the firearm.

22 Storage and safe keeping requirements for category C, D and H firearms

A category C firearm, category D firearm or category H firearm must be stored in accordance with the following requirements:

- (a) when the firearm is not actually being used or carried, it must be stored in a locked steel safe of an approved type or in a locked receptacle of an approved type that cannot be easily penetrated;
- (b) the safe or receptacle must be bolted to a wall or floor;
- (c) ammunition for the firearm must be stored in a locked container of an approved type that is kept separate from the safe or receptacle containing the firearm.

23 Storage and safe keeping requirements for firearms dealer licences

- (1) The following storage and safe keeping requirements apply to premises or a part of premises used by the holder of a firearms dealer licence to conduct business under the licence:
 - (a) the premises or the part of the premises must be a permanent building that complies with the following:
 - (i) all doors must be made of solid material or covered by a steel sheet or reinforced steel mesh that is firmly fixed or motion sensors must be fitted to all internal areas of the premises or the part of the premises;
 - (ii) all doors must be fitted with locks of the dead latch type or an extra hasp and padlock must be fitted;
 - (iii) all doors must be fitted with hinges that are concealed or that have had the hinge pins welded;
 - (iv) all doors must be fitted with 4 shoot bolts, on the inside and at the top and bottom of each door;

- (v) all side and rear windows must be fitted with security screens;
 - (vi) all front windows must be fitted with security screens or motion sensors must be fitted to all internal areas of the premises or the part of the premises;
 - (vii) where motions sensors are fitted, they must be connected and operate to warn of any unauthorised entry of persons;
- (b) a storage room in the premises or part of the premises in which firearms are stored must comply with the following:
- (i) all walls must be sufficiently solid to provide a physical barrier to entry;
 - (ii) all windows must be fitted with security screens;
 - (iii) all lockable containers in the room must be constructed of steel or similar strong material and must be fitted with hinges that are concealed or that have had the hinge pins welded.
- (2) The following storage and safekeeping requirements apply to firearms possessed under a firearms dealer licence:
- (a) category A firearms and category B firearms may be displayed during business hours if:
 - (i) the firearms are displayed in a rack that is fixed to a solid wall; and
 - (ii) the firearms are secured in the rack by a high tensile cable or chain, with a minimum diameter of 4 mm, that passes through the trigger guard of each firearm and is padlocked to a wall or other immovable fixture;
 - (b) category H firearms may be displayed during business hours if the firearms are in a lockable display cabinet that is:
 - (i) fitted with glass or other material of sufficient strength to prevent easy entry; and
 - (ii) locked at all times except when a person who is the holder of a licence that authorises the person to possess or use category H firearms is inspecting a firearm in the cabinet;

- (c) all display cabinets in which firearms are displayed must be designed so that the firearms on display cannot be readily removed;
 - (d) category A firearms and category B firearms may be stored in the rack referred to in paragraph (a) after business hours if the rack is constructed so that a sliding or drop down security mesh screen covers the firearms in the rack to prevent their removal;
 - (e) category A firearms and category B firearms, if not stored after business hours in accordance with paragraph (d), must be stored in a storage room that complies with the requirements of subregulation (1)(b);
 - (f) category H firearms must be stored after business hours in a locked safe in a storage room that complies with the requirements of subregulation (1)(b);
 - (g) category C firearms and category D firearms must not be displayed at anytime and must be stored in a storage room that complies with the requirements of subregulation (1)(b) in a safe that must remain locked at all times except when a person who holds a licence to possess or use category C firearms or category D firearms is inspecting a firearm in the safe.
- (3) The holder of a firearms dealer licence must affix and keep affixed to each firearm in the holder's possession (other than for the purposes of maintenance or repair) a label showing the entry number for that firearm as entered in the register required to be kept under the Act and the identifying number (if any) of the firearm.

24 Storage and safe keeping requirements for firearms armourer licences

- (1) The following storage and safe keeping requirements apply to premises or a part of premises used by the holder of a firearms armourer licence to conduct business under the licence:
- (a) the premises or the part of the premises must be a permanent building that complies with the following:
 - (i) all doors must be made of solid material or covered by a steel sheet or reinforced steel mesh that is firmly fixed;
 - (ii) all doors must be fitted with locks of the dead latch type or an extra hasp and padlock must be fitted;

- (iii) all doors must be fitted with hinges that are concealed or that have had the hinge pins welded;
 - (iv) all doors must be fitted with 4 shoot bolts, on the inside and at the top and bottom of each door;
 - (v) all side and rear windows must be fitted with security screens;
 - (vi) all front windows must be fitted with security screens or motion sensors must be fitted to all internal areas of the premises or the part of the premises;
 - (vii) where motions sensors are fitted, they must be connected and operate to warn of any unauthorised entry of persons;
- (b) a storage room in which firearms are stored must comply with the following:
- (i) all walls must be sufficiently solid to provide a physical barrier to entry;
 - (ii) all windows must be fitted with security screens;
 - (iii) all lockable containers in the room must be constructed of steel or similar strong material, fixed to the floor or wall, and must be fitted with hinges that are concealed or that have had the hinge pins welded.
- (2) The following storage and safekeeping requirements apply to firearms possessed under a firearms armourer licence:
- (a) category A firearms and category B firearms may be displayed during business hours if:
 - (i) the firearms are displayed in a rack that is fixed to a solid wall; and
 - (ii) the firearms are secured in the rack by a high tensile cable or chain, with a minimum diameter of 4 mm, that passes through the trigger guard of each firearm and is padlocked to a wall or other immovable fixture;
 - (b) all display cabinets in which firearms are displayed must be designed so that the firearms on display cannot be readily removed;

- (c) category A firearms and category B firearms may be stored in the rack referred to in paragraph (a) after business hours if the rack is constructed so that a sliding or drop down security mesh screen covers the firearms in the rack to prevent their removal;
- (d) category A firearms and category B firearms, if not stored after business hours in accordance with paragraph (c), must be stored in a storage room that complies with the requirements of subregulation (1)(b);
- (e) category H firearms must be stored after business hours in a locked safe in a storage room that complies with the requirements of subregulation (1)(b);
- (f) category C firearms, category D firearms and category H firearms must be stored in a locked safe except when being repaired or tested.

25 Storage and safe keeping requirements for firearms collector licences

- (1) The following storage and safe keeping requirements apply to premises or a part of premises used by the holder of a firearms collector licence to store firearms under the licence:
 - (a) the premises or the part of the premises must be a permanent building and all windows and doors to the building must be fitted with locks;
 - (b) a storage room in which firearms are stored must comply with the following:
 - (i) all walls must be sufficiently solid to provide a physical barrier to entry;
 - (ii) all windows are to be fitted with security screens;
 - (iii) all doors must be made of solid material or covered by a steel sheet or reinforced steel mesh that is firmly fixed;
 - (iv) all doors must be fitted with locks of the dead latch type or an extra hasp and padlock must be fitted;
 - (v) all doors must be fitted with hinges that are concealed or that have had the hinge pins welded;

- (vi) all lockable containers in the room must be constructed of steel or similar strong material and must be fitted with hinges that are concealed or that have had the hinge pins welded.
- (2) The following storage and safekeeping requirements apply to firearms possessed under a firearms collector licence:
- (a) category A firearms and category B firearms may be displayed if:
 - (i) the firearms are displayed in a rack that is fixed to a solid wall; and
 - (ii) the firearms are secured in the rack by a high tensile cable or chain, with a minimum diameter of 4 mm, that passes through the trigger guard of each firearm and is padlocked to a wall or other immovable fixture;
 - (b) category C firearms may be displayed if the firearms are in a lockable display cabinet designed so that the firearms in the cabinet cannot be readily removed;
 - (c) category D firearms and category H firearms must be stored in a locked container in a storage room complying with the requirements of subregulation (1)(b) and may be displayed only in the presence of the holder of the firearms collector licence.

Part 4 Miscellaneous

26 Particulars in licence

For the purposes of section 12 of the Act, the prescribed particulars are:

- (a) the name of the holder;
- (b) if the holder is an individual, the date of birth of the holder;
- (c) the genuine reason for the licence;
- (d) the type of licence;
- (e) the number of the licence;
- (f) the category of firearms that may be possessed or used under the licence;

- (g) the expiry date of the licence;
- (h) the conditions to which the licence is subject;
- (j) in relation to a firearms dealer licence and firearms armourer licence, the business name, if any, of the holder; and
- (j) in relation to a firearms employee licence, the name of the employer of the holder.

27 Firearms dealer's register and return

- (1) For the purposes of section 18 of the Act, the prescribed particulars for each purchase, receipt, sale or transfer of a firearm by the holder of a firearms dealer licence are:
 - (a) the name and address of the person involved in the purchase, receipt, sale or transfer;
 - (b) the number of the person's licence authorising the person to possess or use the firearm;
 - (c) the number of the person's permit to purchase or acquire the firearm;
 - (d) for each firearm that is or has been in the possession of the holder of the firearms dealer licence:
 - (i) the date of its initial purchase or receipt by the holder and of its subsequent sale or transfer;
 - (ii) the name and address of the person who initially gave possession of it to the holder; and
 - (iii) when it is sold or transferred, its make, serial number, calibre, type, action and magazine capacity (if any).
- (2) For the purposes of section 18(3) of the Act, the prescribed form is Form 1 in the Schedule.

28 Firearms armourer's record

For the purposes of section 22(5) of the Act, the prescribed form is Form 2 in the Schedule.

29 Firearms collector's record

For the purposes of section 24(3) of the Act, the prescribed form is Form 3 in the Schedule.

30 Automatic cancellation of licences and permits

For the purposes of section 40(2) of the Act, the following conditions are prescribed:

- (a) a condition authorising the carrying of category H firearms whilst physically present during the transfer or security of money or other valuable items in the course of duty as a security guard;
- (b) a condition authorising the carrying of category H firearms for approved purposes;
- (c) a condition requiring a pistol to be in a holster and is secured by an approved trigger guard;
- (d) a condition that firearms of a person's employer be possessed or used only in the course of employment;
- (e) a condition authorising the possession or use of category H firearms for approved activities;
- (f) a condition prohibiting the carrying of category H firearms concealed on the person.

31 Notice of appeal

For the purposes of section 51 of the Act, the prescribed form is Form 4 in the Schedule.

32 Transporting prohibited firearms or pistols

For the purposes of section 66 of the Act, a prohibited firearm or pistol must be conveyed by registered post or by a commercial freight carrier.

33 Recognition of interstate licences

- (1) For the purposes of section 92(b) of the Act, while a person who is a resident of a State or another Territory of the Commonwealth is residing temporarily in the Territory the person is not required to hold a licence to possess category A or category B firearms if the person is the holder of a corresponding licence.
- (2) In subregulation (1), ***residing temporarily*** means residing for a period less than 3 months.

34 International competitors – prescribed information

- (1) For the purposes of section 33A(2) of the Act, the following information is prescribed:
- (a) the international competitor's full name, address and date of birth;
 - (b) the international competitor's passport or visa number (including details of the country of issue and date of expiry);
 - (c) the make, model, calibre, action and serial number of the firearm being imported by the international competitor;
 - (d) the international competitor's reason for importing more than one firearm (if applicable);
 - (e) the international competitor's firearms licence from his or her country of residence showing the official stamp or other mark of the issuing authority, a photograph of the applicant, the country of issue, the date of expiry and the classes or categories of firearms to which the licence relates;
 - (f) the dates and locations of shooting competition events in which the international competitor will participate;
 - (g) the period the international competitor intends to stay in Australia.
- (2) If an international competitor is unable to produce a firearms licence as required by subregulation (1)(e), the international competitor will be taken to have complied with the paragraph if the international competitor provides to the Commissioner a clearance certificate, containing a photograph of the international competitor and signed by the relevant authority in the international competitor's country of residence, declaring that the international competitor is lawfully entitled to possess, carry and use firearms in that country of the categories or classes named in the certificate.

Schedule

FORM 1

regulation 27

NORTHERN TERRITORY OF AUSTRALIA

Firearms Act

Firearms dealer return

(Name, address and licence number of holder of firearms dealer licence)

Quarter ending:

Description of firearms purchased/received/sold or transferred:

Make:
Type:
Calibre:
Model:
Serial number:

Type of service provided:

Purchased/received/sold/transferred

Date of service:

Firearm purchased/received from: (name and address)

Firearm disposed of:

Sold/transferred/hired/redeemed

Name and address of purchaser/hirer/redeemer:

Date of sale/transfer/hire/redemption:

Permit number:

Licence number of purchaser/transferee:

Type of licence:

Dated 19 .

.....
Dealer's signature

FORM 2

regulation 28

NORTHERN TERRITORY OF AUSTRALIA

Firearms Act

FIREARMS ARMOURER'S RECORD

Description of
firearm

Date of firearm

Make	Model	Type	Calibre	Serial number	Name and address of owner	Received	Returned
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FORM 3

regulation 29

NORTHERN TERRITORY OF AUSTRALIA

Firearms Act

FIREARMS COLLECTOR'S RECORD

Description of firearm

Make	Type	Cal.	Serial no.	Date acquired	Purchase from (name and address)	Disposed of to (name and address)	Date disposed of	Disposed of to/purchased from licence no.	Class
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FORM 4

regulation 31

NORTHERN TERRITORY OF AUSTRALIA

Firearms Act

NOTICE OF APPEAL

I,,
(name of appellant)

of,
(residential address of appellant)

in accordance with section 51 of the Firearms Act, appeal to the Firearms Appeal Tribunal against the decision of the Commissioner of Police on 19 , whereby the Commissioner
(particulars of Commissioner's decision)

Summary of grounds of appeal

Dated 19 .

.....
(Appellant)

To the Commissioner of Police
Darwin.

Take note that the appeal is to be heard by the Firearms Appeal Tribunal sitting at at am/pm on 19 .

Dated 19 .

.....
for the Tribunal

ENDNOTES

1

KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2

LIST OF LEGISLATION

Firearms Regulations (SL No. 3, 1997)

Notified	13 March 1997
Commenced	13 March 1997

Amendments of Firearms Regulations (SL No. 45, 2000)

Notified	1 September 2000
Commenced	1 September 2000

3

LIST OF AMENDMENTS

r 33	amd No. 45, 2000, r 1
r 34	ins No. 45, 2000, r 2