

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF FIREARMS REGULATIONS

Regulations 2003, No. 36

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 2003, No. 36*

Regulations under the *Firearms Act*

I, JOHN CHRISTOPHER ANICTOMATIS, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Firearms Act*.

Dated 30 June 2003.

J. C. ANICTOMATIS
Administrator

By His Honour's Command

P. R. HENDERSON
Minister for Police, Fire and Emergency Services

* Notified in the *Northern Territory Government Gazette* on 1 July 2003.

Firearms Regulations

AMENDMENTS OF FIREARMS REGULATIONS

1. Principal Regulations

The Firearms Regulations are in these Regulations referred to as the Principal Regulations.

2. Commencement

These Regulations come into operation on the commencement of the *Firearms Amendment Act 2003*.

3. New regulation

The Principal Regulations are amended by inserting after regulation 25 the following:

"25AA. Storage and safe keeping requirements for antique firearms collector licences

"(1) The holder of an antique firearms collector licence must store firearms held under the licence so that –

- (a) every firearm is kept safely;
- (b) no firearm is stolen or lost; and
- (c) no firearm comes into the possession of a person who is not authorised to possess it.

"(2) The holder of an antique firearms collector licence may display a firearm held under the licence if –

- (a) the firearm is displayed in a rack that is fixed to a solid wall and the firearm is secured in the rack by a high tensile cable or chain, with a minimum diameter of 4mm, that passes through the trigger guard of each firearm in the rack and is padlocked to a wall or other immovable fixture; or
- (b) the firearm is displayed in a locked display cabinet that is fitted with glass or other material of sufficient strength to prevent easy entry."

4. Firearm's dealer's register and return

Regulation 27 of the Principal Regulations is amended –

- (a) by omitting from subregulation (1) "firearm" (all references) and substituting "firearm or firearm part"; and

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(b) by omitting subregulation (2).

5. Repeal

Regulations 28 and 29 of the Principal Regulations are repealed.

6. New Parts

The Principal Regulations are amended by inserting after Part 4 the following:

"PART 5 – CATEGORY H SPORTS SHOOTING

"35. Definitions

"In this Part –

'IPSC' means International Practical Shooting Confederation;

'ISSF' means International Sports Shooting Federation;

'NRA' means National Rifle Association.

"36. Prescribed category H firearms

"(1) For sections 15A(1), 15C(a), 35A(2), 58(2A)(a)(i) and 110 of the Act, the following are prescribed firearms:

- (a) category H firearms that comply with the following:
 - (i) the calibre of the firearm does not exceed .38" unless the firearm is for use in a specially accredited discipline, in which case the calibre may exceed .38" but must not exceed .45";
 - (ii) if the firearm is self-loading, the barrel length is not less than 120mm;
 - (iii) if the firearm is a revolver or a single-shot pistol, the barrel length is not less than 100mm;
 - (iv) the shot capacity of the firearm does not exceed 10 rounds;
- (b) black powder or muzzle loading pistols;
- (c) cap and ball percussion revolvers;
- (d) highly specialised target pistols.

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"(2) In subregulation (1) –

'barrel length' means –

- (a) if the firearm is a revolver, the distance from the muzzle of the barrel to the breach end immediately in front of the cylinder; and
- (b) if the firearm is not a revolver, the distance from the muzzle of the barrel to the point of the breach face (which includes the chamber);

'highly specialised target pistol' means a pistol –

- (a) that does not comply with the specifications in paragraph (a); and
- (b) that is held under a category H sports shooter's licence for use in ISSF competition events where both the pistol and the use of the pistol comply fully with the rules of the ISSF.

"37. Prescribed category H sports shooting disciplines

"For the definition of 'category H sports shooting' in section 3(1) of the Act, each of the following is a prescribed category H shooting discipline if the match is run in accordance with the rules of the national or international body that administers the discipline:

- (a) Black Powder Match;
- (b) IPSC;
- (c) ISSF;
- (d) Metallic Silhouette;
- (e) NRA Action Match;
- (f) Police and Services Match;
- (g) Single Action Match.

"38. Specially accredited disciplines

"For the definition of 'specially accredited discipline' in section 3(1) of the Act, the following category H sports shooting disciplines are prescribed as disciplines for which a category H firearm with a calibre greater than .38" but not greater than .45" may be used:

- (a) Metallic Silhouette;

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- (b) Single Action Match.

"39. Participation rate

"For section 15C(d) of the Act, the prescribed participation rate for the holder of a category H sports shooter's licence is as follows:

- (a) a minimum of 12 shooting events in a calendar year with not less than 3 events in any financial quarter-year;
- (b) if the holder of the licence engages in 3 shooting disciplines, the minimum number of shooting events for the calendar year is 14;
- (c) for each additional shooting discipline in excess of 3 disciplines that the holder of the licence engages in, the minimum number of shooting events for the calendar year increases by 4.

"PART 6 – INFRINGEMENT NOTICES

"40. When infringement notice may be served

"If a member of the Police Force believes that a person has committed an offence against a provision of the Act or these Regulations specified in column 1 of Schedule 4, he or she may serve an infringement notice on the person.

"41. Prescribed amount

"The prescribed amount that may be paid, instead of the penalty that may otherwise be imposed, for an offence against a provision of the Act or these Regulations specified in column 1 of Schedule 4 is the amount specified opposite in column 2.

"42. Particulars to be included in infringement notice

"An infringement notice is to include the following particulars:

- (a) the name and address of the alleged offender;
- (b) the date, time and place of the offence;
- (c) the nature of the offence and the prescribed amount payable in respect of that offence;
- (d) the person to whom the alleged offender may pay the prescribed amount and the address of that person;
- (e) the date of the infringement notice and a statement that the prescribed amount may be paid within 28 days after that date;

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- (f) a statement to the effect that, if the alleged offender wishes to pay the prescribed amount, he or she should complete the relevant part of the infringement notice and return the notice with the prescribed amount to the person specified in the notice;
- (g) a statement to the effect that, if the alleged offender wishes to be dealt with by a court in relation to the offence, he or she should not pay the prescribed amount but should complete the relevant part of the infringement notice and return the notice to the person specified in the notice;
- (h) a statement that, if the alleged offender does nothing in response to the infringement notice, a summons may be issued requiring the alleged offender to appear before a court of summary jurisdiction to be dealt with in relation to the offence;
- (i) any other particulars approved by the Commissioner.

"43. Expiation of offence

"(1) If an alleged offender pays the prescribed amount specified in an infringement notice in accordance with the notice, the alleged offender is taken to have expiated the offence and no further proceedings are to be taken in respect of the offence.

"(2) If an alleged offender tenders a cheque in payment of a prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

"44. Withdrawal of infringement notice

"An infringement notice may be withdrawn at any time within 28 days after it is served, but before payment of the prescribed amount specified in the infringement notice, by serving on the alleged offender a notice –

- (a) signed by the member of the Police Force who issued the notice or another member authorised by the Commissioner for the purpose; and
- (b) stating that the infringement notice is withdrawn.

"45. How service effected

"Service of an infringement notice, or a notice of withdrawal of an infringement notice, is effected –

- (a) by serving it personally on the alleged offender;

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- (b) by posting it to the alleged offender at his or her last known address; or
- (c) by leaving it for the alleged offender at his or her last known place of residence or business with a person apparently resident or employed there and apparently not less than 16 years of age.

"46. General

"This Part –

- (a) does not prevent more than one infringement notice in respect of the same offence being served on an alleged offender, but it is sufficient for the application of regulation 43 to an alleged offender on whom more than one infringement notice has been served for the alleged offender to pay the prescribed amount in accordance with any one of those notices;
- (b) does not prejudice or affect (except as provided by regulation 43) the institution or prosecution of proceedings, and does not limit the penalty that may be imposed by a court, for an offence; and
- (c) does not require an infringement notice to be served and does not affect the liability of a person to be prosecuted in a court for an offence in respect of which an infringement notice has not been served."

7. Schedule 1

Schedule 1 to the Principal Regulations is amended by omitting Forms 1, 2 and 3.

8. New schedule

The Principal Regulations are amended by inserting after Schedule 3 the following:

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"SCHEDULE 4

Regulations 40 and 41

**INFRINGEMENT NOTICES
PRESCRIBED OFFENCES AND AMOUNTS**

Column 1 Offence Provision	Column 2 Prescribed Amount
Section 18(2) Failing to update firearms dealer register	\$500
Section 18(3) Failing to provide record of transaction	\$500
Section 62(4) Failing to return completed permit within 14 days	\$500
Section 66 and regulation 32 Failing to comply with transport requirements for category A or B firearms where the failure did not result in the loss, theft or misuse of the firearm	\$500
Section 69(2) Possessing ammunition without licence, permit or authorisation	\$200
Section 78(2) Carrying exposed firearm in public place	\$500
Section 80 Possessing firearm on land without authorisation	\$500
Section 85 and regulation 21 Failing to comply with storage requirements for category A or B firearms where the failure did not result in the loss, theft or misuse of the firearm	\$500
Section 90(1) Failing to notify Commissioner of change of name or address	\$200
Section 90(3) Failing to notify Commissioner of change of particulars specified in application for licence, permit or certificate of registration	\$200

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Section 90(4) Failing to notify Commissioner of loss or theft of licence, permit or certificate of registration	\$200
Section 96(1)(a) Failing to carry licence or permit	\$200
Section 96(1)(c) Failing to produce licence, permit or certificate of registration	\$200

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