

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF FIREARMS REGULATIONS

Regulations 2000, No. 58

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 2000, No. 58*

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 15 December 2000.

J. C. ANICTOMATIS
Administrator

By His Honour's Command

S. DUNHAM
Minister for Health, Family and Children's Services
acting for and on behalf of the
Minister for Police, Fire and Emergency Services

* Notified in the *Northern Territory Government Gazette* on 22 December 2000.

AMENDMENTS OF FIREARMS REGULATIONS

1. Principal Regulations

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

2. New regulations

The Principal Regulations are amended by inserting after regulation 1 in Part 1 the following:

"1A. Disqualifying offences

"(1) An offence against any of the following provisions of the Criminal Code is a disqualifying offence:

- (a) section 51, 54, 55, 62, 73, 74 or 110;
- (b) section 131A, 134 or 135, where a custodial sentence is imposed;
- (c) section 148B;
- (d) section 154(1), where the circumstance of aggravation specified in section 154(2) or (3) exists;
- (e) section 159, 162, 163 or 165;
- (f) section 166, where a custodial sentence is imposed;
- (g) section 170, 175, 176, 177, 178, 179 180, 181 or 182;
- (h) section 185, where a custodial sentence is imposed;
- (i) section 188(1), where the circumstance of aggravation specified in section 188(2)(m) exists and a custodial sentence is imposed;
- (j) section 189A(1), where the circumstance of aggravation specified in section 189A(2)(b) exists;
- (k) section 189(2), where –
 - (i) the circumstance of aggravation specified in section 189(2)(b) exists; or
 - (ii) a custodial sentence is imposed;
- (l) section 190;
- (m) section 191, where a custodial sentence is imposed;

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- (n) section 192, 194, 195, 196, 201, 202 or 211;
- (o) section 212(1), where the circumstance of aggravation specified in section 212(2) or (3) exists;
- (p) section 213(1), where the circumstance of aggravation specified in section 213(6) exists;
- (q) section 215;
- (r) section 216, where the circumstance of aggravation specified in section 216(2) or (3) exists;
- (s) section 228, 239, 240, 242, 243, 244, 245, 252, 281 or 287.

"(2) An offence against any of the following provisions of the *Misuse of Drugs Act* is a disqualifying offence:

- (a) section 5, 6 or 8;
- (b) section 7(1), where the circumstance of aggravation specified in section 7(2)(a) or (b) exists;
- (c) section 9(1), where –
 - (i) the circumstance of aggravation specified in section 9(2)(a) or (b) exists;
 - (ii) the circumstance of aggravation specified in section 9(2)(c) exists and a custodial sentence is imposed;
 - (iii) the circumstance of aggravation specified in section 9(2)(d) or (e) exists; or
 - (iv) the circumstance of aggravation specified in section 9(2)(f) exists and a custodial sentence is imposed.

"1B. Offences of violence

"An offence against any of the following provisions of the Criminal Code is an offence of violence:

- (a) section 57 or 58;
- (b) section 69, 70, 125 or 129, where a custodial sentence is imposed;
- (c) section 130 or 131;
- (d) section 131A, unless a custodial sentence is imposed;

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- (e) section 132;
- (f) section 134 or 135, unless a custodial sentence is imposed;
- (g) section 148C or 148D;
- (h) section 154(1), unless the circumstance of aggravation specified in section 154(2) or (3) exists;
- (i) section 166 or 185, unless a custodial sentence is imposed;
- (j) section 186;
- (k) section 188(1), where a circumstance of aggravation specified in section 188(2)(a) to (l) (inclusive) exists;
- (l) section 188, where the circumstance of aggravation specified in section 188(2)(m) exists, unless a custodial sentence is imposed;
- (m) section 189A(1), unless the circumstance of aggravation specified in section 189A(2)(b) exists;
- (n) section 189(2), where the circumstance of aggravation specified in section 189(2)(a) exists, unless a custodial sentence is imposed;
- (o) section 191, unless a custodial sentence is imposed;
- (p) section 193;
- (q) section 200, where a custodial sentence is imposed;
- (r) section 212(1), unless a circumstance of aggravation specified in section 212(2) or (3) exists."

3. New regulation

The Principal Regulations are amended by inserting after regulation 11 in Division 1 of Part 2 the following:

"11A. Requirements relating to museum display

"An applicant for a licence whose genuine reason for possessing a firearm is museum display must have successfully completed –

- (a) a course in instructional techniques that is accredited by the Australian National Training Authority; and
- (b) an approved course for firearms instructors."

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4. Restrictions on granting licences for category C firearms

Regulation 12 of the Principal Regulations is amended –

- (a) by omitting from subregulation (1)(a)(iii) "or";
- (b) by adding at the end of subregulation (1)(a) the following:
 - "(v) museum display; or
 - (vi) instruction in firearms use and safety;"
- (c) by omitting from subregulation (2)(b) "disciplines" and substituting "target shooting disciplines for shotguns"; and
- (d) by adding at the end the following:

"(3) Where a licence authorising the possession or use of a category C firearm is granted for the genuine reason of sports shooting, the licence authorises the possession or use of a shotgun only and does not authorise the possession or use of any other category C firearm."

5. Restrictions on granting licences for category D firearms

Regulation 13 of the Principal Regulations is amended –

- (a) by omitting from subregulation (1)(a)(ii) "or";
- (b) by omitting from subregulation (1)(a)(iii) "and"; and
- (c) by adding at the end of subregulation (1)(a) the following:
 - "(iv) museum display; or
 - (v) instruction in firearms use and safety; and"

6. Restrictions on granting licences for category H firearms

Regulation 14 of the Principal Regulations is amended –

- (a) by omitting from paragraph (a)(ii) "or";
- (b) by omitting from paragraph (a)(iii) "and"; and
- (c) by adding at the end of paragraph (a) the following:
 - "(iv) museum display; or
 - (v) instruction in firearms use and safety; and"

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7. Conditions applying to certain shooter's licences

Regulation 18 of the Principal Regulations is amended –

- (a) by omitting from subregulation (2) ", that are shotguns,"; and
- (b) by omitting from subregulation (2)(a) "clay".

8. Conditions applying to firearms collector licences

Regulation 19 of the Principal Regulations is amended by omitting from paragraph (b) "category C firearms" and substituting "category A, B, C and H firearms".

9. New regulation

The Principal Regulations are amended by inserting after regulation 19 the following:

"19A. Conditions applying to firearms museum licences

"A firearms museum licence is subject to the following conditions:

- (a) all firearms in the possession or custody of the museum 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;
- (b) the holder must not restore a category D firearm to a state that it can be fired."

10. Storage and safe keeping requirements for category A and B firearms

Regulation 21 of the Principal Regulations is amended by omitting from paragraph (a) "of an approved type" and substituting "that complies with the requirements specified in Schedule 2".

11. Storage and safekeeping requirements for category C, D and H firearms

Regulation 22 of the Principal Regulations is amended –

- (a) by omitting from paragraph (a) all the words after "stored in" and substituting "a safe or other receptacle that complies with the requirements specified in Schedule 3"; and
- (b) by omitting from paragraph (c) all the words after "container" and substituting "that is kept separate from the safe or other receptacle containing the firearm".

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12. New regulations

The Principal Regulations are amended by inserting after regulation 25 in Part 3 the following:

"25A. Storage and safe keeping requirements for firearms museum licences

"(1) The storage and safekeeping requirements specified in regulation 25(1) apply to premises or part of premises used by the holder of a firearms museum licence to store firearms under the licence.

"(2) The following storage and safekeeping requirements apply to firearms possessed under a firearms museum licence:

- (a) category A and B firearms may be displayed if –
 - (i) the firearms –
 - (A) are displayed in a rack that is fixed to a solid wall; and
 - (B) 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; or
 - (ii) the firearms are displayed in a locked display cabinet designed so that the firearms in the cabinet cannot be readily removed;
- (b) category C, D and H firearms may be displayed if the firearms are in a locked display cabinet designed so that the firearms in the cabinet cannot be readily removed.

"25B. Storage and safekeeping requirements for firearms club licences

"(1) The holder of a firearms club licence must take all reasonable steps to ensure that the persons nominated under section 9(6)(b) of the Act comply with the storage and safe keeping requirements of the Act and these Regulations in relation to –

- (a) the club's firearms; and
- (b) firearms held by the club on behalf of its members,

when those firearms are not in use.

"(2) Subregulation (1) applies in relation to firearms whether stored on or off the club's premises."

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13. New regulation

The Principal Regulations are amended by inserting before regulation 26 in Part 4 the following:

"25D. Prescribed checks for shooter's licence or permit to purchase firearm

"For the purposes of sections 10(5) and 35(5) of the Act, the prescribed checks are checks by the Commissioner of –

- (a) the records of the Northern Territory Police Force; and
- (b) if the Commissioner considers it necessary – the records of the Australian Federal Police and the records of each of the States and other Territories of the Commonwealth,

to determine if the applicant for the licence or permit is recorded as –

- (c) having been charged with, or convicted or otherwise dealt with by a court or other tribunal for, a breach of the criminal law or a law relating to domestic violence; or
- (d) having been the subject of an order made by a court or other tribunal under a law relating to domestic violence or mental health."

14. Firearms dealer's register and return

Regulation 27 of the Principal Regulations is amended by omitting from subregulation (2) "the Schedule" and substituting "Schedule 1".

15. Firearms armourer's record

Regulation 28 of the Principal Regulations is amended by omitting "the Schedule" and substituting "Schedule 1".

16. Firearms collector's record

Regulation 29 of the Principal Regulations is amended by omitting "the Schedule" and substituting "Schedule 1".

17. Notice of appeal

Regulation 31 of the Principal Regulations is amended by omitting "the Schedule" and substituting "Schedule 1".

18. Repeal and substitution

Regulation 32 of the Principal Regulations is repealed and the following substituted:

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"32. Transporting firearms

"(1) For the purposes of section 66 of the Act, a prohibited firearm or a category A, B, C, D or H firearm may be conveyed –

- (a) by registered post;
- (b) by a commercial freight carrier or a common carrier; or
- (c) in the possession of –
 - (i) the owner of the firearm; or
 - (ii) a person who is licensed to be in possession of the firearm and who has the owner's permission to be in possession of the firearm.

"(2) Where –

- (a) a firearm is being conveyed in a motor vehicle; and
- (b) the motor vehicle is left unattended at a place away from where the firearm is normally stored or secured,

then –

- (c) the firearm is to be placed in the boot, the cargo carrying area or some other lockable compartment of the vehicle or is to be secured by means of a firearm securing device;
- (d) the firearm is to be completely hidden from open view;
- (e) ammunition for the firearm is to be placed in a lockable compartment of the vehicle (other than the compartment in which the firearm is placed) or in a locked container secured in or on the vehicle; and
- (f) the person in charge of the vehicle must take all reasonable steps to ensure that, while the vehicle remains unattended, the firearm –
 - (i) is kept safely in the vehicle;
 - (ii) is not stolen or removed from the vehicle; and
 - (iii) does not come into the possession of a person who is not licensed to be in possession of the firearm."

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19. Schedule

The Schedule to the Principal Regulations is amended by omitting "SCHEDULE" and substituting "SCHEDULE 1".

20. New schedules

The Principal Regulations are amended by adding at the end the following:

"SCHEDULE 2

Regulation 21

STORAGE AND SAFEKEEPING REQUIREMENTS FOR CATEGORY A AND B FIREARMS

1. The sides and door are to be constructed of solid steel –
 - (a) that has a minimum thickness of 3mm; or
 - (b) that has a minimum thickness of 2mm if the method of construction used ensures rigidity or additional reinforcing to prevent distortion has been included.
 2. All edges are to be rolled or folded.
 3. The door is to be recessed or flush fitted and is to be sized to prevent leverage points.
 4. All hinges are to be secured so that the door cannot be detached by removing the pins, internal or trap-type hinges being preferred.
 5. There are at least 2 bolt-down points.
 6. There is to be one locking point.
 7. There is to be sufficient reinforcing to prevent distortion of the door if a forced entry were to be attempted.
 8. If a padlock is used, it is to be covered so as to prevent the lock being cut or broken off.
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SCHEDULE 3

Regulation 22

**STORAGE AND SAFEKEEPING REQUIREMENTS FOR
CATEGORY C, D AND H FIREARMS**

1. The safe or other receptacle is to be constructed of solid steel –
 - (a) that has a minimum thickness of 6 mm in the sides and the door; or
 - (b) that, subject to inspection and approval by the Commissioner, has minimum thicknesses of 3 mm in the sides and 6 mm in the door.
2. All hinges are to be non-removable and are to be constructed in the same manner as safe-style hinges.
3. Locks are to be internal and may be combination locks, key locks or electronic locks or a mixture of 2 or more of those kinds of locks.
4. A safe or other receptacle for the storage of category C or D firearms is to have at least 2 locks.
5. A safe or other receptacle for the storage of category H firearms is to have –
 - (a) at least one lock; or
 - (b) if the swinging edge is greater than 500 mm – at least 2 locks.
6. Alternatively, category H firearms may be stored in a compartment inside a receptacle that complies the requirements specified in Schedule 2 (a "Schedule 2 receptacle") if the compartment –
 - (a) is a separate box inside the Schedule 2 receptacle;
 - (b) has a thickness of solid steel that is at least equal to the thickness of the steel in the Schedule 2 receptacle;
 - (c) can only be accessed if the door to the Schedule 2 receptacle is opened first; and
 - (d) is designed so that, in combination with the Schedule 2 receptacle, it provides a double thickness of steel on all sides."

