

I certify that this is a copy of the authorised version of this Statutory Rule as at 4 December 2017, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 4 December 2017.

Robyn Webb  
Chief Parliamentary Counsel  
Dated 14 October 2019

## TASMANIA

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# **FIREARMS REGULATIONS 2016**

## **STATUTORY RULES 2016, No. 84**

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Schedule 1 – Fees

## **FIREARMS REGULATIONS 2016**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Firearms Act 1996*.

Dated 10 October 2016.

C. WARNER  
Governor

By Her Excellency's Command,

M. T. (RENE) HIDDING  
Minister for Police, Fire and Emergency Management

### **1. Short title**

These regulations may be cited as the *Firearms Regulations 2016*.

### **2. Commencement**

These regulations take effect on  
25 October 2016.

### **3. Interpretation**

In these regulations –

*Act* means the *Firearms Act 1996*;

*captive bolt device* means a device designed for use in an abattoir in the humane killing of livestock by means of a retractable bolt;

*line thrower* means a device designed to be used for throwing lines in a life-saving or distress-signalling situation;

*nail gun* means a tool designed to discharge a nail, spike or other fastener by means of compressed air or carbon dioxide;

*net thrower* means a device designed to throw a net for the purpose of catching animals, but does not include a device operated by the use of blank ammunition;

*phasor* means a device that –

- (a) is fitted with a transmitter or receiver of infrared electromagnetic waves; and
- (b) cannot easily be modified to fire a projectile.

#### **4. Prescribed firearms**

For paragraph (f) of the definition of *firearm* in section 3 of the Act, each of the following is a prescribed thing:

- (a) a grenade launcher;

- (b) a mortar that is capable of being carried manually by a single person.

## **5. Devices prescribed not to be firearms**

For the purposes of the definition of *firearm* in section 3 of the Act, the following devices are declared not to be firearms:

- (a) a captive bolt device;
- (b) a line thrower;
- (c) a nail gun;
- (d) a net thrower;
- (e) a phasor.

## **6. Prescribed places**

For the definitions of *interim restraint order* and *restraint order* in section 3 of the Act, each of the following is a place:

- (a) Australian Capital Territory;
- (b) New South Wales;
- (c) Northern Territory;
- (d) Queensland;
- (e) South Australia;
- (f) Victoria;
- (g) Western Australia.

## **7. Prescribed prohibited pistols**

For the definition of *prohibited pistol* in section 3 of the Act, each of the following is a prohibited pistol:

- (a) a pistol that has a calibre exceeding .38 inches;
- (b) a semi-automatic pistol that has a barrel length of less than 120 millimetres;
- (c) a revolver that has a barrel length of less than 100 millimetres;
- (d) a single-shot pistol that has a barrel length of less than 100 millimetres;
- (e) a pistol that has a magazine with a capacity of more than 10 rounds.

## **8. Prescribed firearms – stun guns**

- (1) For paragraph (f) of the definition of *firearm* in section 3 of the Act, a stun gun is a prescribed thing.
- (2) In this regulation –

*stun gun* means a hand-held device, such as the weapon commonly known as a TASER, that is designed or adapted to administer, either through direct contact or indirectly through something conductive fired from the device, an electric shock to a human being for the purpose of dazing, disorienting,

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incapacitating, subduing or injuring that human being.

**9. Prescribed ammunition**

(1) For paragraph (e) of the definition of *ammunition* in section 3 of the Act, a seal control cap is a prescribed article.

(2) In this regulation –

*seal control cap* means a projectile that –

- (a) has a percussion cap; and
- (b) is loaded with powder; and
- (c) is designed to ignite and burst apart upon impact.

**9A. Storage of firearms and firearm parts by licence holders**

The holder of a firearms licence must ensure that any firearm or firearm part that is not being used, maintained or conveyed is stored in a receptacle that –

- (a) is locked; and
- (b) is not easily penetrable; and
- (c) is –
  - (i) made of concrete; or

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- (ii) in the case of the storage of a Category A or Category B firearm, or any firearm part for such a firearm, made of metal that is at least 2mm thick; or
  - (iii) in the case of the storage of a Category C, Category D or Category H firearm, or any firearm part for such a firearm, made of metal that is at least 3mm thick; and
- (d) has an internal locking mechanism; and
- (e) has –
  - (i) an internal hinging mechanism; or
  - (ii) a mechanism which would prevent the door of the receptacle from opening when the door is locked and the hinges are removed; and
- (f) in the case of a receptacle that weighs less than 150kg when empty, is fixed by means of internal masonry fixing bolts or coach screws –
  - (i) in a manner that prevents easy removal; and
  - (ii) at least –

(A) twice to a wall and at least twice to the floor; or

(B) 4 times to a wall or the floor.

**9B. Storage of ammunition by licence holders**

The holder of a firearms licence must ensure that ammunition that is not being used or conveyed is stored –

(a) in a receptacle that –

(i) is locked; and

(ii) is separate from, or comprises a separate compartment of, any receptacle in which a firearm is stored; and

(iii) cannot be opened by the same key as a receptacle in which a firearm is stored; or

(b) in a manner approved by the Commissioner.

**9C. Additional storage requirements for 10 or more firearms and Category H firearms**

(1) Where a Category H firearm or 10 or more firearms of any category are stored in one or more receptacles at any premises, the premises must be equipped with an electronic security device.

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- (2) The electronic security device must be –
  - (a) designed to prevent, detect or deter unauthorised entry to the premises or any of the receptacles; and
  - (b) capable of detecting any such entry; and
  - (c) maintained in proper working order.
- (3) The electronic security device must be an alarm or a visual recording device.
- (4) If the electronic security device is an alarm, it must be audible or monitored at all times.
- (5) If the electronic security device is a visual recording device, it must –
  - (a) record to a separate storage device any activity in the vicinity of any of the receptacles; and
  - (b) provide images of a sufficient quality to identify people recorded.
- (6) The storage device must not be located in the immediate vicinity of any of the receptacles.

#### **10. Prescribed events**

For section 18(4) and section 58A of the Act, each of the following is a prescribed event:

- (a) Metallic Silhouette Event;
- (b) Western (Single) Action Event.

**11. Prescribed government agencies**

For section 41(b) of the Act, each of the following is a prescribed government agency:

- (a) the department responsible for the administration of the *Environmental Management and Pollution Control Act 1994*;
- (b) the department responsible for the administration of the *Animal Health Act 1995*.

**12. Form of licence**

For section 45(h) of the Act, a licence is to specify the date on which it ceases to be in force.

**13. Amount of ammunition**

For section 46(f) of the Act, the prescribed amount of ammunition is such amount as the Commissioner determines having regard to –

- (a) the amount of ammunition that the licensee reasonably requires for the firearm to which the licence relates; and
- (b) the genuine reason for which the licence is issued.

**14. Firearm collections and heirloom firearms**

- (1) For section 47(1)(b) and section 47(2) of the Act, the following is the prescribed manner in

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which a firearm of a kind specified in those sections that is not a shotgun is to be rendered permanently incapable of being fired:

- (a) a bore diameter mild steel rod is to be inserted into the barrel of the firearm, extending for the full length of the barrel;
- (b) the mild steel rod is to be fully welded to –
  - (i) the muzzle and finished flush; and
  - (ii) the chamber of the firearm, if applicable;
- (c) the barrel is to be welded to the receiver to prevent its removal;
- (d) the firing pin of the firearm is to be removed and the firing pin hole welded closed;
- (e) all internal springs or components that can be removed from the firearm without detracting from its external appearance are to be so removed;
- (f) the trigger of the firearm is to be welded in a fixed position to prevent its function;
- (g) weld is to be applied to the internal components of the firearm to prevent its function, if possible;
- (h) each bolt, if any, is to be welded in a fixed position;

- (i) each external hammer, if any, is to be welded in a fixed fired position to prevent its function;
  - (j) the action of the firearm is to be welded in a closed position to prevent its function;
  - (k) if the firearm has a bolt action, weld is to be applied to the bolt guide rail to prevent removal of the bolt;
  - (l) if the firearm has a nipple, the nipple is to be blocked with weld.
- (2) For section 47(1)(b) and section 47(2) of the Act, the following is the prescribed manner in which a firearm of a kind specified in those sections that is a shotgun is to be rendered permanently incapable of being fired:
- (a) a bore diameter mild steel rod is to be inserted into the barrel of the firearm for a distance of 5 centimetres;
  - (b) the mild steel rod is to be fully welded flush to the muzzle;
  - (c) a 5 centimetre-long mild steel plug is to be inserted into the chamber and fully welded flush;
  - (d) the barrel is to be welded to the receiver to prevent its removal;
  - (e) if the firearm has a nipple, the nipple is to be blocked with weld.

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- (3) An heirloom firearm that is a semi-automatic pistol is, in addition to the matters set out in subregulation (1), to have the slide of the pistol welded to the frame on both sides to prevent its removal.
- (4) A pistol with a revolving cylinder is, in addition to the matters set out in subregulation (1), to have a mild steel rod extending from the muzzle to a chamber of the cylinder and the cylinder is to be welded to the frame.
- (5) A weld made for the purposes of this regulation is to be –
  - (a) substantial and, if practicable, not a spot weld; and
  - (b) effected by gas metal arc, gas tungsten arc, manual arc electrode or gas fusion with steel wire.
- (6) If a firearm that is required to be welded in accordance with this regulation has components of a non-ferrous composition that cannot be satisfactorily welded, the components may be glued and pinned to prevent their function.
- (7) If a firearm that is required to be welded in accordance with this regulation has a barrel that is constructed of material suitable for welding, the barrel may be plugged with a mild steel rod and welded by gas brazing or a similar method.

**15. Period of licences**

- (1) A Category A, B or H firearms licence is in force for whichever of the following periods the licensee elects when applying for the licence:
  - (a) 5 years from the date of its issue;
  - (b) 3 years from the date of its issue.
- (2) A Category C firearms licence granted to a person who is a primary producer is in force for whichever of the following periods the licensee elects when applying for the licence:
  - (a) 5 years from the date of its issue;
  - (b) 3 years from the date of its issue.
- (3) A Category C firearms licence granted to a person who is employed or engaged in the business of primary production is in force for a period of 12 months from the date of its issue.
- (4) A Category D firearms licence is in force for a period of 12 months from the date of its issue.
- (5) A firearms dealer licence is in force for a period of 3 years from the date of its issue.
- (6) A firearms museum licence is in force for a period of 3 years from the date of its issue.
- (7) A firearm heirlooms licence is in force for 5 years from the date of its issue.

**16. Loss and replacement of licences and permits**

The Commissioner, on receipt of the prescribed fee, may give the holder of a licence or permit a replacement for that licence or permit if the Commissioner is satisfied that the original licence or permit has been –

- (a) stolen, lost or destroyed; or
- (b) damaged to a degree that renders it unsuitable for use.

**17. Safety requirements for conveying prohibited firearms**

The following are safety requirements for conveying a prohibited firearm:

- (a) the firearm is to be in the unloaded condition, with any detachable magazine detached from the firearm;
- (b) the bolt or breech block is to be removed from the firearm, if reasonably possible;
- (c) a trigger lock is to be fitted to the firearm, if possible;
- (d) if the firearm is not a pistol, it is to be conveyed in a locked receptacle that is of solid construction or made of timber that is at least 10 millimetres thick;
- (e) the receptacle is to be fitted with a metal lock;

- (f) the locked receptacle is not to contain any ammunition;
- (g) magazines are not to contain any ammunition;
- (h) if the firearm is a pistol, it is to be contained in a locked receptacle preferably located in the most secure area of a vehicle (such as the locked boot of a sedan).

#### **18. Safety requirements for conveying other firearms**

The following are safety requirements for conveying a firearm that is not a prohibited firearm:

- (a) the firearm is to be in the unloaded condition;
- (b) ammunition is to be in a closed container, completely separate from the firearm;
- (c) magazines are not to contain any ammunition;
- (d) at least one of the following requirements is to be met:
  - (i) the firearm is to be in a locked receptacle;
  - (ii) the bolt of the firearm is to be in a closed container, completely separate from the firearm;

- (iii) the firearm is to be fitted with a mechanism that locks or disables the trigger or action and prevents the firearm from being used.

**19. Prescribed particulars to be contained in dealings record**

For section 89(2)(f) of the Act, where a licensed firearms dealer acts as an agent in any dealing with a firearm or firearm part between licensees, a dealings record is to contain the following particulars regarding that dealing:

- (a) the names and addresses of the licensees involved in the dealing;
- (b) the numbers of the licences of the licensees or permits authorising the licensees to possess the firearm or firearm part;
- (c) the numbers of the permits of the licensees to acquire the firearm;
- (d) the date of receipt of the firearm or firearm part by the firearms dealer;
- (e) the date of the sale and purchase of the firearm or firearm part;
- (f) the make, serial number, calibre, type, action and any magazine capacity of the firearm or firearm part.

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**20. Prescribed amount of ammunition and period of acquisition**

For section 105(2)(b) of the Act –

- (a) the prescribed amount of ammunition is such amount as the Commissioner determines having regard to –
  - (i) the amount of ammunition that the holder of the licence for the firearm reasonably requires for the firearm; and
  - (ii) the genuine reason for which the licence is issued; and
- (b) the prescribed period is 12 months.

**21. Prescribed methods of dealing with surrendered firearms**

- (1) For the purposes of section 109(3) of the Act, a licensed firearms dealer must, within 7 days of receiving one of the following firearms that has been surrendered by a person, surrender that firearm to a police officer:
  - (a) a prohibited firearm;
  - (b) a firearm that the licensed firearms dealer knows, or reasonably ought to know, has been unlawfully modified;
  - (c) a firearm of a category that the licensed firearms dealer is not authorised under his or her licence to deal in;

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- (d) any other firearm that has been permanently surrendered by the person;
  - (e) any other firearm that has been surrendered by the person, if –
    - (i) the person has not clearly stated to the licensed firearms dealer that the person intends to reclaim the firearm from the dealer once the person is authorised under the Act to be in possession of the firearm; or
    - (ii) the licensed firearms dealer has not agreed to buy the firearm from, or to sell the firearm on behalf of, the person.
- (2) For the purposes of section 109(3) of the Act, a licensed firearms dealer must deal with a firearm that has been surrendered by a person, by taking the following actions, if the person intends to reclaim the firearm once the person is authorised under the Act to be in possession of it:
- (a) if the firearm is not registered, the licensed firearms dealer must register the firearm within 7 days of receiving it;
  - (b) if the firearm has not been reclaimed by the person within the period of 6 months from the date of its surrender to the licensed firearms dealer, the dealer must surrender the firearm to a police officer within 7 days after the expiry of that period;

- (c) if, within the period of 6 months from the date of surrender of the firearm to the licensed firearms dealer, the person who surrendered the firearm informs the dealer of his or her decision to permanently surrender the firearm, the dealer must surrender the firearm to a police officer within 7 days of being informed of that decision.
- (3) For the purposes of section 109(3) of the Act, a licensed firearms dealer must deal with a firearm that has been surrendered by a person by registering it within 7 days of receiving the firearm if –
- (a) subregulation (1) does not apply in respect of the firearm; and
  - (b) the firearm is not registered; and
  - (c) the person has surrendered the firearm to the licensed firearms dealer; and
  - (d) the person has informed the licensed firearms dealer at the time of surrender that –
    - (i) he or she intends that the licensed firearms dealer buy the firearm from the person and the dealer agrees to do so; or
    - (ii) he or she intends that the licensed firearms dealer sell the firearm on behalf of the person and the dealer agrees to do so.

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- (4) Nothing in this regulation –
- (a) requires a licensed firearms dealer to retain a firearm that is required to be surrendered under section 109(1) of the Act, if the person in possession of it is not surrendering it to the dealer; or
  - (b) requires a licensed firearms dealer to agree to store, sell or buy a firearm that has been surrendered to the dealer under the Act; or
  - (c) prevents a licensed firearms dealer from recovering a fee from a person for storing a firearm, in accordance with this regulation, that has been surrendered to the dealer by the person.

- (5) In this regulation –

*permanently surrender*, in relation to a firearm, means a person surrenders the firearm to a licensed firearms dealer and has no intention of reclaiming the firearm from the dealer, or having the dealer sell or buy the firearm, under this regulation.

**22. Fees**

- (1) The fees specified in Schedule 1 are prescribed as the fees that are payable or chargeable for the matters to which they respectively relate.
- (2) However, for an eligible pensioner, the fee that is payable or chargeable for any matter is 80% of

the fee prescribed for that matter under subregulation (1).

- (3) The fees and charges prescribed under subregulation (1) are GST inclusive.
- (4) In this regulation –

*eligible pensioner* means a person who –

- (a) is in receipt of a pension under the *Social Security Act 1991* of the Commonwealth; or
- (b) holds a valid pensioner concession card issued under the *National Health Act 1953* of the Commonwealth; or
- (c) is in receipt of a pension under the *Veterans' Entitlements Act 1986* of the Commonwealth or holds a valid pensioner concession card issued under that Act;

*GST* has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

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**SCHEDULE 1 – FEES**

Regulation 22  
Fee units  
(inclusive  
of GST)

**1. Licence**

(a) Application for firearms licence or renewal	
(i) Categories A, B and H	
5 years	90
3 years	64
(ii) Category C	
5 years	90
3 years	64
(iii) Category C – 12 months or less	26
(iv) Category D	26
(b) Application for firearms dealer licence or renewal	384
(c) Application for firearms museum licence or renewal	128
(d) Application for firearm heirlooms licence or renewal	26
(e) Issue of replacement licence	8

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**2. Permits**

Application for permit (other than minor's permit)	13
Application for minor's permit	19
Issue of replacement permit	13

**3. Registration**

(a) Application for registration of firearms by non-dealer	
(i) one firearm	13
(ii) each additional firearm	6
(b) Application for registration of firearm by firearms dealer, each firearm	6
(c) Application for, or renewal of, registration as paintball operator	64

**4. Approvals**

Application for approval of –	
(a) shooting gallery	64
(b) rifle club	64
(c) pistol shooting club	64
(d) firearms range	64

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 19 October 2016.

These regulations are administered in the Department of Police, Fire and Emergency Management.

**NOTES**

The foregoing text of the *Firearms Regulations 2016* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 4 December 2017 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
<i>Firearms Regulations 2016</i>	S.R. 2016, No. 84	25.10.2016
<i>Firearms Amendment Regulations 2017</i>	S.R. 2017, No. 51	4.12.2017

**TABLE OF AMENDMENTS**

Provision affected	How affected
Regulation 9A	Inserted by S.R. 2017, No. 51
Regulation 9B	Inserted by S.R. 2017, No. 51
Regulation 9C	Inserted by S.R. 2017, No. 51