



Firearms (General) Amendment (Security Industry) Regulation 2003

under the

Firearms Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Firearms Act 1996*.

JOHN WATKINS, M.P.,

Minister for Police

Explanatory note

The object of this Regulation is to amend the *Firearms (General) Regulation 1997* to:

- (a) prevent armed security guards from applying for a permit to acquire a firearm for the reason of carrying on activities as a security guard, or from using a firearm that has been acquired for any other purpose while carrying on activities as a security guard, and
- (b) increase the security requirements for the storage of firearms that are used or possessed by security firms, and
- (c) limit the number of firearms that security firms are permitted to use or possess, and
- (d) make other consequential amendments.

This Regulation is made under the *Firearms Act 1996*, including sections 8 (3), 41 (1) (d) and 88 (the general regulation-making power).

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Clause 1 Firearms (General) Amendment (Security Industry) Regulation 2003

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1 Name of Regulation

This Regulation is the *Firearms (General) Amendment (Security Industry) Regulation 2003*.

2 Commencement

This Regulation commences on 1 May 2004.

3 Amendment of Firearms (General) Regulation 1997

The *Firearms (General) Regulation 1997* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 60A

Insert before clause 60:

60A Definitions

In this Part:

armed security guard has the same meaning as in the *Security Industry Act 1997*.

security firm means the holder of master licence under the *Security Industry Act 1997*:

- (a) who is licensed under this Act to possess firearms for the genuine reason of business or employment, or
- (b) who employs armed security guards.

[2] Clause 60 Restriction on authority conferred by licence issued to security guard

Insert after clause 60 (2):

- (3) Except where otherwise authorised by the Commissioner in writing, the authority conferred by a licence issued to a security guard does not authorise the security guard to possess or use:
 - (a) a self-loading firearm with a calibre of more than .40 inch, or
 - (b) a pistol with a calibre of more than .38 inch.

[3] Clauses 61A and 61B

Insert after clause 61:

61A Special conditions on licence issued to armed security guard

- (1) It is a condition of a licence issued to an armed security guard for the genuine reason of business or employment that the holder of the licence must not:
 - (a) apply for a permit to acquire a firearm for the reason of carrying on activities as a security guard, or

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- (b) possess or use, in the holder's capacity as an armed security guard, any firearm acquired by the holder for any other reason.
- (2) Nothing in subclause (1) prohibits an armed security guard from acquiring, possessing or using a firearm under the authority conferred by any other licence or permit held by that person.

61B Special requirements for safe keeping of firearms by security firms

- (1) For the purposes of section 41 (1) (d) of the Act the following requirements are prescribed in relation to the safe storage of firearms by security firms:
 - (a) in the case of a security firm in possession of one, but not more than one, firearm:
 - (i) the firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
 - (A) stored in a safe of an approved type, and
 - (B) fitted with a trigger or barrel lock which prevents the firearm from being discharged, and
 - (C) secured individually on a locked device within the safe, and
 - (ii) the safe must be fitted with an alarm of an approved type that is monitored off-site, and
 - (iii) the premises on which the firearm is stored must have an intruder alarm and duress facilities which are monitored off-site and are of an approved type,
 - (b) in the case of a security firm in possession of more than one but not more than 5 firearms:
 - (i) any such firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
 - (A) stored in a safe of an approved type which weighs at least 150kg, and

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- (B) fitted with a trigger or barrel lock which prevents the firearm from being discharged, and
 - (C) secured individually on a locked device within the safe, and
 - (ii) the safe must be:
 - (A) secured in an approved manner to or within brick or concrete floors or walls, and
 - (B) fitted with an alarm of an approved type, that is monitored off-site and is separate from the alarm required under subparagraph (iii) (A), and
 - (C) locked at all times except when distributing firearms, and
 - (iii) the premises on which any such firearms are stored must:
 - (A) have an intruder alarm and duress facilities which are monitored off-site and are of an approved type, and
 - (B) not be premises that are used for a residential purpose,
 - (c) in the case of a security firm in possession of more than 5 but not more than 15 firearms:
 - (i) any such firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
 - (A) stored in a safe of an approved type which weighs at least 500kg, and
 - (B) fitted with a trigger or barrel lock which prevents the firearm from being discharged, and
 - (C) secured individually on a locked device within the safe, and
 - (ii) the safe must be:
 - (A) secured in an approved manner to or within brick or concrete floor or walls, and

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- (B) fitted with an alarm of an approved type, that is monitored off-site and is separate from the alarm required under subparagraph (iii) (A), and
 - (C) locked at all times except when distributing firearms, and
 - (D) fitted with 15 minute time delay locks, and
 - (iii) the premises on which any such firearms are stored must:
 - (A) have an intruder alarm and duress facilities which are monitored off-site and are of an approved type, and
 - (B) not be premises which are used for a residential purpose,
- (d) in the case of a security firm in possession of more than 15 firearms:
 - (i) any such firearm must, while not being carried or used by a person authorised to possess or use the firearm, be:
 - (A) stored in a safe of an approved type or within a vault or control room of an approved type, and
 - (B) fitted with a trigger or barrel lock which prevents the firearm from being discharged, and
 - (C) secured individually on a locked device within the safe, and
 - (ii) the safe in which any firearm is to be stored must be:
 - (A) secured in an approved manner to or within brick or concrete floor or walls, and
 - (B) fitted with an alarm of an approved type, that is monitored off-site, independent of the alarm required under subparagraph (iii) (A), and
 - (C) locked at all times except when distributing firearms, and

- (iii) the premises on which any such firearms are stored must:
 - (A) have intruder alarms and duress facilities which are monitored off-site and are of an approved type, and
 - (B) be of an approved type, and
 - (C) have 24 hour video surveillance of an approved type.

[4] Clause 69A

Insert after clause 69:

69A Number of firearms to be held by security firms

- (1) The authority conferred by a licence issued to a security firm authorises the firm to use or possess only such number of firearms as, in the opinion of the Commissioner, are required to carry out the security activities of the security firm.
- (2) The Commissioner may require a security firm to provide information relating to the following:
 - (a) the number of firearms owned by the security firm,
 - (b) the number of armed security guards employed by the firm,
 - (c) the security activities for which the firearms are used,
 - (d) such other relevant information that is required in order for the Commissioner to form an opinion under this clause.