

Schedule 3 — Categories of firearms

[r. 6A]

Division 1 — Category A

[Heading inserted in Gazette 31 Aug 2010 p. 4185.]

1. Category A firearms

Each firearm described in the Table is a category A firearm.

Table

Sub-category	Description
A1	an air rifle
A2.1	a single shot rim fire rifle
A2.2	a repeating rim fire rifle
A3.1	a single shot shotgun
A3.2	a double barrel shotgun
A3.3	a repeating shotgun (lever or bolt action)
A4.1	a combination firearm made up of a shotgun and a rifle each of which would individually be of category A
A4.2	a rifle combination made up of rifles each of which would individually be of category A

[Clause 1 amended in Gazette 31 Aug 2010 p. 4185.]

Division 2 — Category B

[Heading inserted in Gazette 31 Aug 2010 p. 4185.]

2. Category B firearms

Each firearm described in the Table is a category B firearm.

Table

Sub-category	Description
B1	a muzzle loading firearm (except a handgun)
B2.1	a single shot centre fire rifle
B2.2	a double barrel centre fire rifle
B2.3	a repeating centre fire rifle
B3.1	a combination firearm, not of category C or D, made up of a shotgun and a rifle at least one of which would individually be of category B
B3.2	a rifle combination, not of category C or D, made up of rifles at least one of which would individually be of category B

[Clause 2 amended in Gazette 31 Aug 2010 p. 4185.]

3. Genuine need test for category B

To satisfy the genuine need test for category B the applicant must satisfy the Commissioner that a firearm of category A would be inadequate or unsuitable for the purpose for which the firearm is required.

[Clause 3 inserted in Gazette 31 Aug 2010 p. 4185.]

Division 3 — Category C

[Heading inserted in Gazette 31 Aug 2010 p. 4186.]

4. Category C firearms

Each firearm described in the Table is a category C firearm.

Table

Sub-category	Description
C1	a self loading rim fire rifle with a magazine capacity no more than 10 rounds
C2	a self loading shotgun with a magazine capacity no more than 5 rounds
C3	a pump action shotgun with a magazine capacity no more than 5 rounds
C4.1	a combination firearm, not of category D, made up of a shotgun and a rifle at least one of which would individually be of category C
C4.2	a rifle combination, not of category D, made up of rifles at least one of which would individually be of category C

[Clause 4 amended in Gazette 31 Aug 2010 p. 4186.]

5. Genuine need test for category C

To satisfy the genuine need test for category C the applicant must satisfy the Commissioner that a firearm of category A or B would be inadequate or unsuitable for the purpose for which the firearm is required.

[Clause 5 inserted in Gazette 31 Aug 2010 p. 4186.]

6. Restrictions for category C

- (1) An approval or permit can be granted or a licence can be issued for a firearm of category C only if —
 - (a) it is for a shotgun and is granted or issued to a person who —
 - (i) is described in section 11A(2)(a) of the Act; and
 - (ii) requires the firearm for use as described in that provision for the purpose of training for, and participating in, an approved national or international shooting discipline;
 - or
 - (b) it is for a rifle or shotgun, and is granted or issued to a person who —
 - (i) is a primary producer or an approved nominee of a primary producer; and

- (ii) requires the rifle or shotgun for the purpose of destroying vermin or stock as described in section 8(1)(i)(i) of the Act;
 - or
 - (c) it is for a rifle or shotgun, and is granted or issued to a person who requires the rifle or shotgun for the purpose of destroying vermin or stock in the person's capacity as a professional shooter; or
 - (d) it is granted or issued for the purposes of a firearm of that category forming part of a genuine firearm collection; or
 - (e) it is granted or issued for Commonwealth or State government purposes.
- (2) An approval or permit can be granted or a licence can be issued in accordance with paragraph (b) of item (1) to a person who would, as a result, be authorised to use a rifle or shotgun of category C on land on which another person, as the holder of a licence, permit, or approval given in accordance with that paragraph, is already authorised to use a rifle or shotgun of that category only if the Commissioner considers it appropriate having regard to the size of the land and any other relevant factor.

[Clause 6 amended in Gazette 31 Aug 2010 p. 4186.]

Division 4 — Category D

[Heading inserted in Gazette 31 Aug 2010 p. 4186.]

7. Category D firearms

Each firearm described in the Table is a category D firearm.

Table

Sub-category	Description
D1	a self loading centre fire rifle designed or adapted for military purposes or a firearm that substantially duplicates such a firearm in design, function, or appearance
D2	a self loading centre fire rifle that is not of sub-category D1
D3	a self loading shotgun with a magazine capacity more than 5 rounds
D4	a pump action shotgun with a magazine capacity more than 5 rounds
D5	a self loading rim fire rifle with a magazine capacity more than 10 rounds
D6.1	a combination firearm made up of a shotgun and a rifle at least one of which would individually be of category D
D6.2	a rifle combination made up of rifles at least one of which would individually be of category D

[Clause 7 amended in Gazette 31 Aug 2010 p. 4186.]

8. Genuine need test for category D

To satisfy the genuine need test for category D the applicant must satisfy the Commissioner that the firearm is required for Commonwealth or State government purposes.

[Clause 8 inserted in Gazette 31 Aug 2010 p. 4186.]

Division 5 — Category E

[Heading inserted in Gazette 31 Aug 2010 p. 4186.]

9. Category E firearms

Each firearm described in the Table is a category E firearm.

Table

Sub-category	Description
E1	a cannon
E2	a captive bolt
E3	a line thrower
E4	a tranquilliser
E5	a paintball gun
E6	any firearm that is not of sub-category E1, E2, E3, E4, or E5, or category A, B, C, D, or H

[Clause 9 amended in Gazette 31 Aug 2010 p. 4187.]

Division 6 — Category H

[Heading inserted in Gazette 31 Aug 2010 p. 4187.]

10. Category H firearms

Each firearm described in the Table is a category H firearm.

Table

Sub-category	Description
H1	a handgun (including an air pistol)
H2	an underwater explosive device

[Clause 10 amended in Gazette 31 Aug 2010 p. 4187.]

11. Genuine need test for category H

- (1) To satisfy the genuine need test for category H the applicant must satisfy the Commissioner —
 - (a) that a firearm of category A, B or C would be inadequate or unsuitable for the purpose for which the firearm is required; or
 - (b) if the firearm required is of category H1 and is a revolver described in clause 12(7A)(b) —
 - (i) that the applicant is an individual referred to in clause 12(1)(ba) and is involved in mustering or yarding cattle that are grazed on the pastoral lease; and
 - (ii) that the firearm is required when mustering or yarding the cattle to deal with any animals (whether cattle or not) that are dangerous to people.
- (2) A person does not have a genuine need to acquire or possess a firearm of category H because it is required for —

- (a) hunting; or
- (b) recreational shooting, unless the person is a person described in clause 12(1)(a) and requires the firearm for a purpose described in that paragraph; or
- (c) destroying stock or vermin in circumstances other than those described in subclause (1)(b)(ii).

[Clause 11 amended in Gazette 31 Aug 2010 p. 4187-8.]

12. Restrictions for category H

- (1) An approval or permit can be granted or a licence can be issued for a firearm of category H only if —
 - (a) subject to subclauses (2) to (6), it is for a firearm of category H1, and is granted or issued to a person described in section 11A(2)(a) of the Act who requires the firearm for use as described in that provision for the purpose of training for, and participating in, a club, interclub, State, national, or international shooting discipline; or
 - (ba) it is for a firearm of category H1, and is granted or issued to an individual who either —
 - (i) holds a pastoral lease, whether alone or with one or more other persons, on which cattle are grazed for commercial purposes; or
 - (ii) is nominated by the person or persons who hold such a pastoral lease and is approved by the Commissioner,
 but not to more than one such person, for the purpose described in clause 11(1)(b)(ii); or
 - (b) it is for a firearm of category H2, and is granted or issued to a person who requires the firearm for the purposes of professional or recreational diving; or
 - (c) it is granted or issued to a person who requires it in the course of the person's occupation; or
 - (d) it is granted or issued for the purposes of a firearm of that category forming part of a genuine firearm collection; or
 - (e) it is granted or issued for Commonwealth or State government purposes.
- (2) An approval or permit may be granted, and a licence may be issued, to a person under subclause (1)(a) only if —
 - (a) the person has been a member of an approved shooting club for at least 6 months; and
 - (b) if the person has been a member of an approved shooting club for less than 12 months, the approval, permit or licence does not apply to more than 2 handguns being either —
 - (i) one .177 air pistol and one .22 calibre handgun; or
 - (ii) one .177 air pistol and one centre fire handgun;
 and
 - (c) the person has satisfactorily completed an approved firearm safety training course while being a member of the shooting club.
- (3) Subject to subclause (5), an approval or permit may be granted, and a licence may be issued, to a person under subclause (1)(a) only if it applies to a handgun —
 - (a) that has a calibre of .45 or less; and
 - (b) that is not capable of firing more than 10 rounds without being reloaded; and

- (c) that has a barrel length 120 mm or more in the case a semi-automatic handgun and 100 mm or more in any other case, unless the Commissioner is satisfied that —
 - (i) the handgun has been specially designed for target shooting; and
 - (ii) the design does not make the handgun easier to conceal than a handgun that has a barrel length of 120 mm or 100 mm, as the case requires.
- (4) Subject to subclause (5), an approval or permit may be granted, and a licence may be issued, to a person under subclause (1)(a) in relation to a handgun that has a calibre greater than .38 but not greater than .45 only if the approval, permit or licence is subject to the condition that the handgun must not be used except in either —
 - (a) the shooting discipline known as “Metallic Silhouette”; or
 - (b) the shooting discipline known as “Western Action” or “Single Action”.
- (5) Subclauses (3) and (4) do not apply to a muzzle loading handgun or a cap and ball percussion fired handgun.
- (6) An approval or permit may be granted, and a licence may be issued, to a person under subclause (1)(a) only if it is subject to the condition that —
 - (a) if the approval, permit or licence relates to one or more handguns in a single discipline — the licensee must use one of those handguns in at least 6 shooting competitions organised by the club for the discipline on different days in each year; or
 - (b) if the approval, permit or licence relates to at least one handgun in each of 2 or more disciplines — the licensee must use a handgun from each discipline in at least 4 shooting competitions organised by the club for the discipline on different days in each year.
- (7A) Under subclause (1)(ba) one individual cannot be granted an approval or permit or issued a licence —
 - (a) for more than one firearm of category H1; or
 - (b) for a firearm of category H1 other than one that —
 - (i) is a revolver; and
 - (ii) has a calibre of 0.38 or more and not more than 0.45; and
 - (iii) has a barrel length of 100 mm or more;or
 - (c) unless it is subject to a condition that the firearm must not be used except on a pastoral lease.
- (7B) Under subclause (1)(ba)(ii) a person who holds 2 or more pastoral leases may nominate one individual for each lease and may nominate the same individual for more than one lease.
- (7) In this clause —
 - approved** means —
 - (a) approved by the Commissioner; or
 - (b) approved in another State or Territory under a law of that State or Territory corresponding to this clause;
 - barrel length** in relation to a handgun means —
 - (a) in the case of a revolver — the distance from the muzzle of the barrel to the breach end immediately in front of the cylinder; and

- (b) in any other case — the distance from the muzzle of the barrel to the point of the breach face (including the chamber), measured with the top slide (if any) in the closed position;

pastoral lease means, as the case requires —

- (a) a pastoral lease of Crown land granted under the *Land Administration Act 1997* section 101 or continued under section 143 of that Act; or
- (b) the land to which such a lease applies.

[Clause 12 amended in Gazette 31 Aug 2010 p. 4188-9.]

[Schedule 3 inserted in Gazette 6 Dec 1996 p. 6842-6; amended in Gazette 24 Sep 1997 p. 5367; 12 Aug 2003 p. 3670-1; 24 Dec 2004 p. 6268; 6 Nov 2009 p. 4445; 31 Aug 2010 p. 4185-9.]