

QUEENSLAND

NOTE: Queensland is the only state in Australia where the Firearms Registry doesn't administer the laws pertaining to ammunition collecting. This is covered by the Explosives Inspectorate, Safety and Health of the Department of Mines and Energy. All ammunition collecting and related enquiries need to be referred to this Department. All of the following information was taken directly from the following Explosives Information Bulletins. Queensland ACCA members should arrange a copy of these for their own reference:

No. 9 (issued 6 August 2003) – Small Arms Ammunition and Propellant Powders;

No. 20 (issued 14 July 2003) – Ammunition Collection and

No. 23 version 3 (20 September 2007) – Explosives Inspectorate Contact Details

I must state, that after having studied the cartridge collecting legislation in all Australian states and territories, the Queensland legislation was the most comprehensive and the easiest to digest. As Queensland is also the only jurisdiction where cartridge collecting is dealt with under the Explosives Act, as opposed to the Firearms Act, this might not be a coincidence! It would seem that in Queensland at least, overseeing cartridge collecting under Explosives legislation makes more sense and it certainly provides a more complete and clearer picture than given in any of the seven other jurisdictions. At least I found it to be.

1. Is it a requirement that an ammunition collector in your state/territory be a member of a cartridge collecting association such as the Australian Cartridge Collectors Association (ACCA) or the International Ammunition Association (IAA)?

(1) Yes.

2. Which section of your state/territory Firearms Act refers to collecting, selling, buying or trading ammunition? (It is likely there is more than one section or sub-section.)

(2) Explosives Act 1999 & Explosives Regulation 2003 (various Sections apply).

3. Could you provide me a photocopy of the relevant section/s in your Firearms Act dealing with collecting, selling, buying, trading or anything else to do with ammunition? (Or, if your Firearms Act is available on the internet, could you please provide me the web address?)

(3) The Explosives Information Bulletins referred to above are too lengthy to include here. The abovementioned three Bulletins that provide answers to these questions amount to ten pages. Refer to the following websites:

<http://www.nrm.qld.gov.au/mines/explosives>

www.dme.qld.gov.au

www.legislation.qld.gov.au

4. If an ammunition collector in your state/territory needs information from their Firearms Registry regarding collecting, selling, buying or trading ammunition, who is the best person (the most conversant member in your section in that area of the legislation) they could speak with and their contact number?

(4) Depending on where you live in Queensland, there are a number of contacts as the Explosives Directorate is divided into Regions.

Head office, Brisbane : (07) 3224 7512;

Southern Region, Coorparoo: (07) 3238 3728;

Central Region, Rockhampton: (07) 4938 4442;

Northern Region, Townsville (07) 4799 7004.

5. What is the situation in your state/territory regarding collecting, selling, buying or trading ammunition in the following situations:

- a) someone with a Shooters Licence?
- b) someone with a Firearms Dealers Licence?
- c) someone who does not have a shooters or dealers licence - they do not own any firearms and collect ammunition only?

(5) a Can only possess ammunition for firearms that they have registered

b All ammunition

c If a person wishes to possess ammunition for the purposes of collection (collector's ammunition) the person must either,

i) hold a licence to collect ammunition issued under the Explosives Regulation 2003 (Section 33), OR

ii) be a prescribed ammunition collector under the Explosives Regulation 2003 (Section 44)

A licensed collector of ammunition may elect to hold the licence for a period of one year or five years, after which the licence may be renewed for similar periods.

6. In the case of (a) above, is the ammunition they can collect, sell, buy or trade dependent solely on which category of firearms their licence allows? For example if they are only registered as owning .22LR rimfire firearms, is .22LR rimfire ammunition the only ammunition they can collect? If this is so, what does a collector then need to do to ensure they can collect, buy, sell or trade other ammunition such as shotgun or centrefire cartridges in your state/territory?

(6) Yes.

7. Does your state/territory legislation have any special or unusual requirements for individuals that collect, sell, buy or trade ammunition? For example in Tasmania, someone selling or supplying ammunition to another person must ensure they are the holder of a licence for a firearm which takes that ammunition, OR has other authorisation from the Police Commissioner to do so. In addition the seller must see the authority of the buyer to ensure he can legally possess it. I expect this probably applies in other jurisdictions.

(7) See the Explosives Information Bulletins numbers 9 and 20 for full details.

8. What are the storage requirements for ammunition in your state/territory? In other words, how much security is required?

(8) Collectors' ammunition must be stored securely to prevent access by unauthorised person and must be stored away from firearms (Section 86).

9. Are any limits imposed on collectors as to what *quantity* of ammunition they can collect?

(9) There is no limit to the amount of small arms ammunition that may be stored by authorised persons, however the following obligations apply. The authorised person must:

i) prevent access to the explosives by unauthorised persons, (ie keep in a secured area),

ii) store the explosives in a place that minimises potential consequences of an incident involving the explosives,

- iii) store the ammunition away from firearms (unless authorised to do so under the Weapons Act 1990)
- iv) where the quantity exceeds 10,000 safety cartridges, display a classification sign, for the secured area, appropriate to the explosives stored (this will generally be the orange United Nations explosives classification label, marked 1.4S), and
- v) be accountable for the explosive stored.

10. Are ammunition components such as bullets, primers, percussion caps, propellant, empty cartridge cases and so on regarded as ammunition in your state/territory and therefore subject to the same storage requirements? (ie a requirement they all be securely locked away?)

(10) Propellant powders, primers and percussion caps would be classified under the Explosives Act and therefore subject to the same conditions as ammunition, it would appear that bullets and unprimed cartridge cases are not as no specific mention is made.

11. What are your laws regarding transporting ammunition? This refers to both transporting it intrastate re security issues, and transporting it interstate.

(11) Small arms ammunition and propellant powders may only be transported in a vehicle or boat by persons authorised under the Explosives Act 1999. This includes a person licensed to collect ammunition (any quantity) and a prescribed ammunition collector (any quantity). They must do so in accordance with the Australian Explosives Code.

12. What legislation in your state/territory, affects the ownership/possession by collectors of inert large calibre ordnance, this includes projectiles for artillery, fuzes for projectiles, brass or steel cartridge casings, inert mortar projectiles & fuzes, inert hand grenades, inert rockets & inert mines?

(12) As per Information Sheet for Collectors Ammunition (Explosives Information Bulletin 20) See **attached below**

Explosives Information Bulletin 20

Ammunition collectors Authority to collect ammunition

Anyone collecting ammunition must hold an authority under sections 33 or 44 of the Explosives Regulation 2003 (the Regulation).

An authority for an ammunition collector is either:

- a. a current **licence to collect ammunition**, issued under section 33 of the Regulation,
- or**
- b. a **prescribed ammunition collector**—see definition below and section 44 of the Regulation.

The following definitions apply:

collectors' ammunition means ammunition that is not for use and includes:

- small arms ammunition except where the projectile is filled with a high explosive charge or fitted with a live fuze or
- other ammunition that does not contain explosives.

small arms ammunition means ammunition for a firearm as follows including primers (cap type) used for reloading the ammunition:

- a shotgun
- any firearm with a calibre of not more than 25.4mm.

An authority is not required for these items, which are not regarded as collectors' ammunition:

- any cartridge case free from explosive material
- inert components of small arms ammunition (e.g. cartridge cases or projectiles)
- any ammunition that is sectioned or otherwise has had its integrity destroyed.

Licence to collect ammunition

An applicant for a licence to collect ammunition can choose a one year or a five year licence. The licence to collect ammunition authorises the licence holder to import, export, purchase, possess, sell, transport and store collectors' ammunition but not to use the ammunition. Application forms are available on the Department of Natural Resources and Mines web page 'Explosives in the community' (www.dnrm.qld.gov.au).

Security assessment requirements

An applicant for a licence to collect ammunition who does not hold a weapons licence must be security assessed and pay a fee for that assessment. A security assessment involves a national criminal history check but not a politically motivated violence check (ASIO). Refer to Explosives Information Bulletin 37 for the current fees and to the DNRM web page 'General information on licensing and permit requirements'.

Responsibilities of licence holders

Collectors' ammunition under the category "other collectors' ammunition" must be free from explosives.

The holder of a licence to collect ammunition and a prescribed ammunition collector must, on the request of an inspector of explosives, demonstrate to the inspector's satisfaction that the collectors' ammunition, other than small arms ammunition, is free of explosive material, as verified by a certificate from a competent person (see Section 147 of the Regulation).

Authorised collectors may only sell collectors' ammunition to another authorised ammunition collector (see Sections 74(h) and 75(b)(i) of the Regulation).

You must keep a list of the items and ensure that the collectors' ammunition is inaccessible to any person who is not authorised to possess such items.

Prescribed ammunition collector

The definition of **prescribed ammunition collector** is:

- a. a museum or
- b. a person who is a member of a collectors association approved by the Chief Inspector under Section 148 of the Regulation.

A prescribed ammunition collector is authorised to purchase, possess, sell, transport and store collectors' ammunition but is not authorised to import, export or use the ammunition.

A prescribed ammunition collector is authorised only while remaining a member of an approved collectors association.

Becoming approved as a collectors' association

An association may apply to the Chief Inspector for approval as a collectors association. Under Section 148 of the Regulation, for an association to be approved as a collectors association, the Chief Inspector of Explosives must be 'reasonably satisfied' that the association:

- keeps a record of the name and address of each member of the association
- sends written correspondence to all its members at least once a year will, with the consent of the association's members, make the names and addresses of its members available.

These collectors associations are currently approved:

- Arms Collectors' Guild of Queensland Inc.
- Historical Arms Collectors' Branch of the Sporting Shooters' Association of Australia
- Australian Cartridge Collectors' Association
- 11th Light Horse Caboolture Troop & Military Museum Association Inc
- RSL (Returned & Services League of Australia) Queensland Branch*.

* Applies to sub-branches only and not individuals who hold a current membership to the sub-branch

Importing collectors' ammunition

Importing ammunition for collection purposes is prohibited under the Commonwealth *Customs Act 1901* unless an import permit is first obtained from the Minister for Immigration and Border Protection or the Minister's delegate.

Applications for permission to import should be made to the Australian Customs and Border Protection Service (ACBPS) on the Form B710 'Application for permission to import Schedule 3 & 13 weapons'. This form is available from any ACBPS office, or on their website at www.customs.gov.au.

Permission to import collectors' ammunition will only be granted by ACPBS if, the importation of items of warfare satisfy a statutory test under the *Customs (Prohibited Imports) Regulations 1956*.

Collectors' ammunition imported by private collectors need to satisfy the collectors and non-government museum test. Criterion 1 of the test is that the importer must provide a copy of a licence or authority (if required) that demonstrates they are lawfully able to possess that item in the state or territory in which the item will be used.

All imported collectors' ammunition must meet the ACBPS document *Guide on Deactivating Warfare Items* can be downloaded from the ACBPS website above or by contacting the Firearms and Weapons, Trade Policy and Implementation Branch, see contact details below.

A completed application lodged with ACBPS takes a minimum of three weeks to process. You must obtain permission before the goods arrive in Australia. The maximum penalty for importing these goods without approval is a fine not exceeding \$275,000 or imprisonment for 10 years, or both.

Contact ACBPS for advice before making a purchase: weaponspolicy@customs.gov.au. For information on any ACBPS matters, contact the Customs Information and Support Centre on 1300 363 263 or information@customs.gov.au or www.customs.gov.au.

Other information

Ammunition of all types, including collectors' ammunition, is included in the definition of 'explosive' under the Queensland *Explosives Act 1999* (the Act) and is controlled by that legislation for the safety of the community.

Any small arms ammunition (SAA) that is not for display and bona-fide collection is not collectors' ammunition. Anyone who has or had a weapon which can fire the SAA and bought the SAA under a Weapons licence and in quantities which are not bona-fide collector quantities, cannot choose to call the SAA Collectors' ammunitions even if they are a prescribed ammunition collector.

All types of ammunition not covered by the *Commonwealth Explosives Act 1961* are controlled under the Act and the Regulation.

Authorised by Chief Inspector of Explosives | **Geoff Downs** The information contained in this bulletin is provided for guidance only. It is not to be taken as a statement of law and must not be construed to waive or modify any legal obligation. **See more safety alerts and bulletins at <http://mines.industry.qld.gov.au/> Follow our updates and on Twitter and Facebook** **Version 7, 1 November 2013, Page 3** © State of Queensland, Department of Natural Resources and Mines, 2013.