

SOUTH AUSTRALIA

New Act & Regulations are being DRAFTED as of 25/07/2015 not yet released.

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) No.

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) Division 5 of the Firearms Act and Part 5 of the Firearms Regulations.

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) **Firearms Act (Division 5—Acquisition of ammunition)**

21B—Acquisition of ammunition

1. A person must not purchase ammunition or accept ammunition as a gift unless he or she is the holder of—

- a. a firearms licence (not being a collector's licence) that authorises possession of a firearm designed to fire that ammunition; or
- b. a permit granted by the Registrar entitling the holder to acquire ammunition of that kind.

2. A person who contravenes subsection (1) is guilty of an offence.

2a. In proceedings for an offence against subsection (2) the onus is on the defendant to establish that he or she held the licence or permit required by subsection (1) when the ammunition was acquired.

3. The Registrar must not grant a permit to acquire ammunition unless satisfied that the applicant—

- a. is a fit and proper person to have possession of ammunition of the kind that may be acquired under the permit; and
- b. has a genuine reason for making the application.

4. When granting a permit the Registrar must not restrict the kind of ammunition that can be acquired unless it is, in the Registrar's opinion, necessary to do so in order to comply with subsection (3).

5. A person who sells or supplies ammunition to another person knowing, or having reason to believe, that that other person—

- a. is not the holder of a firearms licence (other than a collector's licence) that authorises possession of a firearm designed to fire that ammunition; and
- b. is not the holder of a permit granted by the Registrar authorising the acquisition of that ammunition, is guilty of an offence.

6. This section does not apply in relation to the acquisition of ammunition—

- a. by a licensed dealer in ammunition in the ordinary course of business as a dealer in ammunition; or
- b. by a recognised firearms club for distribution to members of, or visitors to, the club; or
- c. by a member of a recognised firearms club from the club; or

- d. from a recognised firearms club by a visitor to the club for use on the grounds of the club in a manner authorised by the club; or
 - da. by a recognised paint-ball operator for distribution to participants in an organised activity involving the use of paint-ball firearms (but no other firearms) on grounds of a recognised paint-ball operator; or
 - e. by a person for use by that person in a firearm in circumstances in which that person is not required by this Act to hold a firearms licence.
7. In proceedings for an offence against this section the onus is on the defendant to prove that he or she was entitled to purchase, accept, sell or supply the ammunition by virtue of subsection (6).
8. The maximum penalty for an offence against this section is \$10 000 or imprisonment for two years.

Firearms Regulations Part 5—Acquisition of ammunition

28—Application for permit

An application to the Registrar for a permit to acquire ammunition—

- a. must be in a form approved by the Registrar; and
- b. must be accompanied by information required by the Registrar; and
- c. must be accompanied by the prescribed fee.

28A—Limit on quantity of ammunition

A person must not own or have in his or her possession ammunition that exceeds the reasonable needs of that person for the immediately following period of 12 months.

See: www.legislation.sa.gov.au for more information.

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) Contact the Adjudication for Licences & Permits Section – (08) 8204 2495.

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. May only buy ammunition for firearms they are registered as owning.
 b. May buy and sell ammunition.
 c. They require a Permit to Acquire. This lasts for three years and is not renewable – a new permit must be applied for.

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, except if the person is the holder of an ammunition permit for the purpose of collecting ammunition.

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) Not applicable.

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

(8) Part 6—Security of firearms and ammunition
32—Ammunition

1. Ammunition must be stored in a locked container separately from firearms.
2. A person must not have possession of a round of ammunition that includes high explosives or that is designed to kill, injure or incapacitate by means of smoke or chemicals.
3. A person must not have possession of a round of military ammunition unless—
 - a. it has been modified so that it is incapable of being fired; or
 - b. it is of *United Nations Hazard classification Code 1.4S* and has a calibre of less than 19.1mm.

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

(9) The Regulations (Part 5 28A) state a person must not have more ammunition than they could use in a 12 month period however this would not apply to collectors.

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) This is not mentioned specifically in the Act, however live primers & propellant is classed as ammunition.

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

(11) Transporting ammunition is covered in the Explosive Act in South Australia, contact Safeway SA.

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) Large bore projectiles (above 19mm in diameter) and other explosive ordnance must be free from dangerous substances, further to this items must not contain any tracer, incendiary or smoke substances, other than these requirements these items are not included in the definition of ammunition.