



## AMENDMENT TO FIREARMS ACT 1996 Commencing 1 November 2012

### Section 4 - Definitions

**approved** means approved by the Commissioner from time to time.

**approved master licensee** means a holder of a master licence under the *Security Industry Act 1997* who provides uniformed armed security services and is approved by the Commissioner for the purposes of this definition.

**category H (business/employment) licence** means a category H licence that is issued for the purposes of business or employment.

**Provisional pistol (business/employment) licence** means a category H (business/employment) licence of the kind referred to in section 16C.

### Section 16 – Category H licences – restrictions on issue

- (1) The Commissioner must not issue a category H licence to any person unless:
  - (a) the genuine reason established by the person for being issued with the licence is:
    - (ii) business or employment –
- (1A) For the purposes of subsection (1), **business or employment** includes work undertaken voluntarily but only with respect to the static guarding of **approved premises**.
- (4) The Commissioner must not issue a category H (business/employment) licence (other than a provisional pistol (business/employment) licence) to a person who has never held such a licence unless:
  - (a) the person has previously been issued with a provisional pistol (business/employment) licence, and
  - (b) the provisional pistol (business/employment) licence has expired
- (5) The Commissioner must not issue a provisional pistol (business/employment) licence to a person unless:

- (a) the person indicates that he or she intends to be employed by an approved master licensee specified in the application for the licence for the term of the licence, and
- (b) the approved master licensee has verified to the satisfaction of the Commissioner that the master licensee intends the employment to continue for the term of the licence.

**Section 16C – Provisional pistol (business/employment) licences**

- (1) A category H (business/employment) licence that is issued to a person who has never held such a licence is to be issued as a provisional pistol (business/employment) licence.
  - (2) Without limiting section 19, a provisional pistol (business/employment) licence is subject to the following conditions:
    - (a) the licensee must, before possessing or using a pistol, complete to the satisfaction of the Commissioner an approved firearms training course conducted by the employer,
    - (b) the licensee must, in addition to the training referred to in paragraph (a), complete:
      - (i) such further training within 3 months of being granted the licence as is determined by the Commissioner, and
      - (ii) such other training as may be required by the Commissioner during the term of the licence,
    - (c) the licensee must hold a class 1F licence issued under section 11 of the *Security Industry Act 1997*,
    - (d) for the first 6 months of the term of the licence, the licensee must not possess or use a pistol unless the licensee is under the [direct supervision](#) of a natural person who has continuously held, for a period of more than 12 months:
      - (i) a category H (business/employment) licence that is not a provisional pistol (business/employment) licence, and
      - (ii) a class 1F licence under the *Security Industry Act 1997*
- Note:** The licence may also be subject to other conditions – see section 19
- (3) The Commissioner must revoke a provisional pistol (business/employment) licence if the Commissioner is satisfied that the licensee has failed to comply with a condition under this section.
  - (4) If the holder of a provisional pistol (business/employment) licence contravenes the condition referred to in subsection (2)(d), the person

who is (at the time of the contravention) the master licensee who is the employer of the licensee is guilty of an offence.

Maximum penalty:

- (a) in the case of a corporation – 200 penalty units, or
- (b) in the case of an individual – 100 penalty units

- (5) If:
  - (a) the holder of a provisional pistol (business/employment) licence applies for a category H (business/employment) licence before the term of the provisional pistol (business/employment) licence expires, and
  - (b) the application has not been dealt with by the time the provisional pistol (business/employment) licence expires, the authority conferred by the provisional pistol (business/employment) continues until such time as the person is notified of the issue of, or refusal of, the category H (business/employment) licence.
- (6) A provisional pistol (business/employment) licence is automatically revoked if the licensee ceases to be employed during the term of the licence by the approved master licensee specified in the application for the licence as required by section 16(5)

### **Section 21 – Term of licence**

- (3) The following types of licence continues in force for a period of 12 months from the time the licence is issued unless the licence is sooner surrendered or revoked or otherwise ceases to be in force:
  - (a) provisional pistol (business/employment) licence
  - (b) probationary pistol licence

**\*approved premises** – means approved by the Commissioner from time to time. For the purposes of this definition approved premises means where legitimate risk of theft or damage to property has been identified and where mitigation of such risk requires the use of a static armed guard in circumstances where no other viable risk mitigation option is available

**\*\*direct supervision** - For the purposes of this definition direct supervision means, as far as is practicable, the provisional pistol (business / employment) licensee is in the line of sight of the holder of a Category H licence issued for the genuine reason of business and employment and such licence holder is able to immediately render assistance to the provisional pistol licence holder if required. Further there must be the same number of person's supervising as provisional licensees at the location where security activities are being undertaken unless otherwise authorised by the Commissioner.