

SAFE STORAGE – GUN RACKS/GUN SHACKLES

Questions have arisen with respect to gun racks and gun shackles and whether they are an acceptable means of safe storage for AB or CDH firearms.

To provide a response to this matter, consideration must be given to the principles and objects of the *Firearms Act 1996* (the Act), the general requirement for safe keeping prescribed by section 39 of the Act and the minimum requirements for safe storage of category AB and CDH firearms as prescribed by sections 40 and 41 of the Act.

PRINCIPLES AND OBJECTS OF THE FIREARMS ACT 1996

The principles and objects of the Act are to ensure public safety by:

- Imposing strict controls on the possession and use of firearms, and
- Promoting the safe and responsible storage and use of firearms, and
- Ensuring that firearms are stored and conveyed in a safe and secure manner.

GENERAL REQUIREMENT FOR SAFE KEEPING OF FIREARMS

There is a general requirement prescribed by section 39 of the Act which prescribes that any person in possession of a firearm **must take all reasonable precautions** to ensure that the firearm:

- Is kept safely, and
- Is not stolen or lost, and
- It does not come into the possession of a person who is not authorised to possess the firearm.

The general requirement of section 39 of the Act is applicable to any person in possession of a firearm and is not restricted to licence or permit holders.

MINIMUM SAFE STORAGE FOR CATEGORY AB FIREARMS

Category AB firearms are required to be kept in accordance with the provisions of section 40 of the Act:

- **Locked receptacle**
- Made of hardwood or steel
- Not easily penetrated
- If under 150kg when empty it must be secured to the wall or floor to prevent its easy removal
- Locks must be solid metal
- Ammunition kept in a locked container and kept separate from the firearms.

MINIMUM SAFE STORAGE FOR CATEGORY CDH FIREARMS

Category CDH firearms are required to be kept in accordance with the provisions of section 41 of the Act:

- **Locked steel safe**
- Not easily penetrated
- Bolted to the structure of the premises where the firearms are authorised to be kept
- Ammunition kept in a locked container and kept separate from the firearms.

Both Sections 40(2) and 41(2) of the Act provide that a licensee does not have to comply with the above requirements if the licensee satisfies the Commissioner that they have provided alternative arrangements for the storage of firearms that are of a standard not less than the requirements as stated above.

GUN RACKS AND GUN SHACKLES

Is a gun rack or gun shackle considered a 'receptacle'?

Sections 40 and 41 of the Act state that firearms must be in a 'locked receptacle' made of hardwood or steel or a 'locked steel safe'. In order to take all reasonable precautions to ensure the safety of the firearm and to ensure that the firearm does not come into the hands of an unauthorised person the firearm should not be readily visible. Therefore, the reference to a 'receptacle' in sections 40 and 41 of the Act is taken to mean a fully enclosed container where the firearms are not visible to the public.

A gun rack or gun shackle allows the firearms to be on display, which is not compliant with the minimum requirements of safe storage for either AB or CDH firearms, nor is it compliant with the general requirement of section 39 or the principles and objects of the Act.

It is acknowledged that a firearms dealer or a person holding a licence for firearms collection may display firearms in a display case or gun rack (or gun shackle), but in these circumstances there are additional substantial security measures taken, such as a fully secure room or alarmed premises. Additionally, RSL displays and museums display firearms but they are required to have additional security measures, such as alarms, CCTV or guard patrols in order to comply with their safe storage requirements.

If an individual wishes to store firearms in a 'gun rack' or 'gun shackle', the gun racks would need to be secured within an enclosed lockable room or vault and the firearms would not be visible from outside the room in order to exceed the minimum requirements and comply with sections 40 and 41 of the Act.

Therefore, for the reasons outlined above 'gun racks' and 'gun shackles' used on their own for the safe storage of firearms, are not considered satisfactory and do not comply with the minimum requirements of either section 40 or 41 of the Act.

It has come to notice that recently, customers have accessed out of date safe storage information from an internet site, dealer, club or other unknown source endorsing 'gun racks' or 'gun shackles' as an acceptable means of safe storage.

This is not supported by current Firearms Registry policy, guidelines or documentation available on the Firearms Registry Internet site.