

# WHAT IS A FIREARM?

## Firearm



### What is a firearm?

A firearm is a device that has the appearance of a firearm and has the potential to fire an object (shot, bullet or other missile) by the expansion of gases produced in the device by the ignition of strongly combustible materials, compressed air or other gases whether stored in the device in pressurised containers (bullets) or produced by mechanical means. A firearm can be assembled or in parts, and is still a firearm whether operable, or made temporarily or permanently inoperable. There are essentially two types of firearms:

Handguns – firearms that do not exceed 65cm from the butt to the muzzle, are easily concealable and can be fired from one hand (hence the term 'handgun'), and,

Longarms – firearms that are not handguns.

### Examples of firearms

Examples of a handgun include revolvers and starter pistols that appear to be a handgun. Examples of a longarm include rifles, shotguns and machine guns.

### Regulation and licence requirements

Firearms are regulated under the *Firearms Act 1996*. To legally purchase, possess, carry and use a firearm, you must hold a current Firearms Licence of the appropriate category and obtain a Permit to Acquire before purchasing a firearm. Firearms must be registered with Victoria Police.

## Imitation Firearm



### What is an imitation firearm?

An imitation firearm is a device that has the appearance of which could reasonably be mistaken for that of an operable firearm; but which is not designed or adapted to discharge a shot or a bullet or other missile by the expansion of gases produced in the device by the ignition of strongly combustible materials, or by compressed air or other gases, whether stored in the device in pressurised containers or produced in the device by mechanical means, and is not capable of being made to do so.

**Examples of imitation firearms** Imitation firearms can be made of any substance (metal, plastic, rubber, resin, wood etc) to resemble either longarm (rifle, shotgun, or machinegun) or handgun (revolver, semi-automatic or automatic) firearms.

### Regulation and licence requirements

Imitation firearms are regulated by the *Control of Weapons Act 1990*. A Chief Commissioner of Police Prohibited Weapons Approval or a Governor in Council Exemption will be required to display, possess, carry, use, import or sell any imitation firearm(s) in Victoria.

## Exempt Firearm



### What is an exempt firearm?

A firearm is exempt from regulation if it was manufactured before 1900 and meets the following criteria:

- Handguns – a) its method of ignition pre-dates the development of 'percussion'\* or
  - b) is a single shot antique handgun
  - c) that does not take commercially available cartridge ammunition
- Longarms – a) it does not take cartridge ammunition or
  - b) if it does take cartridge ammunition, that ammunition is not commercially available.

\*Percussion means a means of ignition in a firearm in which metallic chemical compounds or fulminates are used to ignite the main powder charge.

**Examples of exempt firearms** Exempt firearms include pre-1900 muzzle and breach loading firearms such as flintlocks, matchlocks, wheel locks, snap hances, cap locks, inoperable military cannons or field guns, cannon net devices and remote-controlled model warship cannons.

### Regulation and licence requirements

As these firearms are 'exempt' from the *Firearms Act 1996*, there is no regulation or licence requirements to purchase, possess, carry and use exempt firearms in Victoria.

## Paintball Marker



### What is a Paintball Marker?

A Paintball Marker is designed to discharge a projectile that primarily consists of a dye or similar substance designed to mark a person or object.

**Examples of Paintball Markers** Paintball Markers come in a variety of styles.

### Regulation and licence requirements

Paintball Markers must be registered with Victoria Police and persons wishing to own Paintball Markers (for paintball marker activities at an approved location) must hold a Victorian Paintball Marker licence. Non-prohibited persons wishing to participate in Paintball activities only (not own a Paintball Marker) do not need a licence to do so.

## Toy Firearm



### What is a toy firearm?

Toy firearms are items that resemble firearms, but do not have the functionality of working firearms. They are manufactured as a plaything or for providing amusement; and their method of operation (if applicable) falls outside the definition of a firearm in the *Firearms Act 1996*. Their appearance, however, cannot be mistaken for a working firearm by a reasonable person due to their shape and size; their overall colour which is not normally associated with a working firearm (e.g. fluorescent, or multi coloured); and the materials used in their manufacture create the immediate impression that the device cannot be functional.

### Examples of toy firearms

Water pistols and foam dart guns that are made of transparent or florescent plastic/wood, and that are smaller or larger than working firearms are examples of toys.

### Regulation and licence requirements

There is no regulation or licence requirements to purchase, possess, carry and use toy firearms in Victoria.

## Non-Firearm



### What is not a firearm?

There are other devices that are not considered firearms. These include, but are not limited to, flare guns, industrial tools (intended for use for fixing fasteners or plugs); underwater fishing accessories; line throwers or natural features (designed for establishing lines between structures or natural features for rescue purposes); and items designed specifically for knocking out or down solid material in kilns, furnaces or cement silos.

### Examples of non-firearms

Nail guns, captive bolt humane killers, spear guns (for underwater use), kiln guns, ring blasters, purpose-built starting pistols, blue training guns, line thrower for establishing a line structure or natural features and powered by compressed air or other compressed gases and used for rescue purposes, rescue training or rescue demonstration, such as bait or balls, for the purpose of training gun dogs.

### Regulation and licence requirements

Within Victoria, there is no regulation or licence requirements to purchase, possess, carry and use non firearms.