



BLANK FIRING FIREARMS: For Re-Enactments & Starting Sporting Events

STARTER PISTOLS AND BLANK FIRING FIREARMS

Starter pistols and blank firing firearms are mechanical devices which rely on a hammer being set by the user and released by a trigger action to explode blank shells or paper encased cap ammunition. Certain models also produce a small gust of smoke once fired.

They are designed exclusively to start races at track-and-field events and swim meets; or to be used as props for plays, movies and re-enactment events.

There are four different types of starter pistols and blank firing firearms. Each type has different licensing, registration and storage requirements. The purpose of this guide is to assist in differentiating between the various types, as well as provide clear details and examples as to each type's licence, registration and storage requirements.

TYPE 1 - PURPOSE BUILT (DO NOT LOOK LIKE FIREARMS)

These are built for starting sporting events. They have no barrel and do not look like typical firearms.



Licence and registration requirements for 'owning' these devices

There are no licence and registration requirements for owning these devices.

Licence requirements for 'using' these devices

There are no licence requirements for using these devices.

Rationale

As these devices do not have the appearance or functionality of working firearms, they are not classified as either imitation firearms (prohibited weapons) or firearms, therefore no 'ownership' or 'usage' requirements apply.



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Recommended storage and safekeeping

Victoria Police recommend that Type 1 devices be stored in a receptacle which is constructed of hard wood or steel, that is not easily penetrable and is locked with a lock of sturdy construction. Any blanks or starter caps for the device should be stored in a separate locked container.

TYPE 2 - PURPOSE BUILT (LOOK LIKE FIREARMS BUT CANNOT BE MODIFIED TO FIRE PROJECTILES)

These are built for starting sporting events. They have a shortened barrel, and the magazines containing the blanks/caps are loaded horizontally through the barrel.



Licence and registration requirements for 'owning' these devices

A Chief Commissioner of Police Prohibited Weapons Approval or Governor in Council Exemption is required to own such devices.

Licence requirements for 'using' these devices

A Chief Commissioner of Police Prohibited Weapons Approval or Governor in Council Exemption is required to use such devices for the purpose of starting sporting events.

Rationale

As these devices have the appearance of working firearms, but not the functionality (nor are they capable of being modified to function as firearms), they are classified as imitation firearms (prohibited weapons) under the *Control of Weapons Act 1990*.

Recommended storage and safekeeping

Victoria Police recommend that Type 2 devices be stored in a receptacle which is constructed of hard wood or steel that is not easily penetrable and is locked with a lock of sturdy construction. Any blanks or starter caps for the device should be stored in a separate locked container.



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TYPE 3 - PURPOSE BUILT (LOOK LIKE FIREARMS AND CAN BE MODIFIED TO FIRE PROJECTILES)

These are purpose built for starting sporting events or re-enactments, and are modelled on actual firearms.



Licence and registration requirements for 'owning' these devices

These firearms must be registered with Victoria Police. The owner must be the holder of an appropriate firearm licence as these items are considered to be operable firearms. The licence is issued for the reason of starting sporting events, movie production and re-enactments.

Licence requirements for 'using' these devices

Users of such starter pistols do not have to be licensed if they are exempt under Schedule 3(11) of the *Firearms Act* 1996. Users of all other blank firing firearms of this type (other than pistols used for starting sporting events) must possess an appropriate licence. Additionally, other permits may be required for carriage and use in public, such as a Populous Place Permit.

Rationale

Item 11 to Schedule 3 of the *Firearms Act* 1996 provides a general exemption from the requirement to hold a licence for any non-prohibited person in the circumstances where a starter pistol is used for the purpose of starting a sporting event and that pistol is and has always been constructed for the purpose of starting sporting events. Blank firing firearms (other than starter pistols) are not covered by this exemption.



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Example

A school owns a starting pistol which looks like a real gun. The starter pistol was purpose built to start sporting events and is used only for that reason.

The owner (in this case the school's nominated person) must have the firearm registered and possess a firearm licence because it is considered to be an operable firearm.

The user does not have to be licensed because it is purpose built to start sporting events and there is a general exemption (provided they are not a prohibited person).

Storage and safekeeping requirements

Storage conditions for longarms and handguns are located under item 2 of Schedule 4 to the *Firearms Act 1996*, and read as follows:

- (1) The firearm must be stored in a steel safe:
 - (a) which is of a thickness that is not easily penetrable; and
 - (b) which, if it weighs less than 150 kilograms when it is empty, must be bolted to the structure of the premises where the firearm is authorised to be kept; and
 - (c) which, when any firearm is stored in it, is locked.
- (2) If more than 15 firearms are stored on the premises where the firearm is stored, the premises must be fitted with an intruder alarm system:
 - (a) the installation, maintenance and operation of which complies with Australian Standard 2201.1:2007 (as amended from time to time); and
 - (b) which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.
- (2A) The key to the container in which the firearm is stored must:
 - (a) be carried by the holder of the licence; or
 - (b) be kept securely in a separate room from the container:

when the container is not being accessed.
- (3) Any cartridge ammunition for the firearm must be stored in a locked container separate from the safe in which the firearm must be stored.



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TYPE 4 - REAL FIREARMS (MODIFIED FOR USE AS STARTER PISTOLS AND BLANK FIRING FIREARMS)

These were once functional handguns and longarms which have been modified to operate as starter pistols or blank firing firearms, by blocking their barrel or shortening their cylinder so that live cartridges cannot be carried.



Licence and registration requirements for 'owning' these devices

These firearms must be registered with Victoria Police. The owner must be the holder of an appropriate firearm licence as these items are still considered to be firearms. The licence is issued for the reason of starting sporting events or historical re-enactments.

Licence requirements for 'using' these devices

The user of these starter pistols and blank firing firearms must be licensed.

Rationale

As these devices could be easily re-modified to discharge a shot, bullet or projectile they are classified as 'firearms' and therefore possession, carriage and use is subject to the provisions of the *Firearms Act 1996*.

The general licence exemption of Schedule 3 of the *Firearms Act 1996* does not apply in this instance as these type of pistols were not originally constructed for the sole purpose of starting sporting events.



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Example 1

A yacht club owns a starter pistol which is a real firearm that has been altered so that it now can only be used to start racing events.

The owner (in this case the school's nominated person) must have the firearm registered and possess a licence because it is considered to be an operable firearm. The user must be licensed because the pistol was not originally built to start sporting events and is therefore not exempt.

Example 2

A member of a collector club owns a longarm that has been altered so that now it can only be used as a blank firing firearm for such activities as military re-enactments.

The owner must have the firearm registered and possess a licence because it is considered to be an operable firearm.

Storage and safekeeping requirements

Storage conditions for longarms and handguns are located under item 2 of Schedule 4 to the *Firearms Act 1996*, and read as follows

- (1) The firearm must be stored in a steel safe:
 - (a) which is of a thickness that is not easily penetrable;
 - (b) which, if it weighs less than 150 kilograms when it is empty, must be bolted to the
 - (c) structure of the premises where the firearm is authorised to be kept; and
 - (d) which, when any firearm is stored in it, is locked.

- (2) If more than 15 firearms are stored on the premises where the firearm is stored, the premises must be fitted with an intruder alarm system:
 - (a) the installation, maintenance and operation of which complies with Australian Standard 2201.1:2007 (as amended from time to time); and
 - (b) which, in the event of an intrusion, activates an audible alarm warning device and an external visible alarm warning light.

- (2A) The key to the container in which the firearm is stored must:
 - (a) be carried by the holder of the licence; or
 - (b) be kept securely in a separate room from the container -

when the container is not being accessed.

- (3) Any cartridge ammunition for the firearm must be stored in a locked container separate from the safe in which the firearm must be stored.



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FURTHER INFORMATION

For further information on starter pistols and blank firing firearms:

- Go to www.police.vic.gov.au/firearms
- Contact your Divisional Firearms Officer; or
- Contact Licensing Regulation Division on 1300 651 645 Monday to Friday between the hours of 8:30am and 4:30 pm, or by email at licensingregulation@police.vic.gov.au