

Shire of Wiluna Policy Manual

FIREARMS POLICY

Policy 2.31

OBJECTIVE

The purpose of this policy is to outline the guidelines for use of the Shire of Wiluna's Firearms in accordance with the W.A Corporate Firearms Licence Conditions.

TERMS OF REFERENCE

Unless otherwise stated all references to 'The Act' shall refer to the Firearms Act 1973

POLICY STATEMENT

Shire Firearms will not be used or accessed by an employee unless:

- (a) The employee has been authorised on the Corporate Firearms License to use firearms by the C.E.O., for carrying out the relevant duties of which the employee is authorised to use the Shire firearms.
- (b) The employee has read and understands the Corporate Firearms Licence and Conditions issued to the Shire of Wiluna by the WA Police Firearms Branch and Shire's Firearms Policy.
- (c) The employee can demonstrate they are competent and experienced in the safe use and handling of the firearms or has attended an Accredited Firearms Handling and Safety course.
- (d) The employee understands the conditions under the relevant Acts that allow for the use of firearms in the course of carrying out the authorised employee's duties (i.e. relevant section of Dog Act 1976 etc.)
- (e) The employee has completed, submitted and received approval of a '*Nominated Persons Application*'-To possess, Carry or Use a Corporately Licensed firearm in the course of employment form to the W.A Police State Crime Licensing Enforcement Division.

Use of Shire firearms must be in accordance with the following conditions:

- (a) Access to gun cabinets and gun cabinet keys will only be permitted to those employees that are listed on the corporate firearms licence (carried by authorised employee or contained within suitably secured cabinet).
- (b) National Police Clearance Certificates provided for each person on licence.
- (c) When firearms are transported they must be fitted with trigger locks (where supplied), contain no ammunition and be secured in lockable firearms rack if fitted to the vehicle.
- (d) When the discharge of firearms is necessary within town limits, Police must be notified, when possible, prior to discharge of firearm or immediately after the discharge of firearm if possible.
- (e) The Shire will implement a rigid protocol for access to firearms which will be strictly adhered to by all authorised persons. The CEO shall determine the protocol that best demonstrates compliance in accordance with the Firearms Act

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1973 and the Dangerous Goods Safety Act 2004

An audit of firearms held by the Shire of Wiluna may be undertaken by the Chief Executive Officer.

The Chief Executive Officer may direct a person who is involved in the control or management of a dangerous goods site to engage and pay for an approved auditor to conduct an audit into and report to the Chief Executive Officer about all or any of the following —

- (a) the risk to people, property or the environment from dangerous goods on the site;*
- (b) the safety of the whole or a part of the site, or of any building, structure, plant, equipment or thing on the site, or of any activities on the site;*
- (c) the adequacy and effectiveness of any safety management document relating to the site;*
- (d) a dangerous goods incident or a dangerous situation on the site.*

Dangerous Goods Safety Act 2004; Division 4, 46-2

CORPORATE FIREARMS LICENCE CONDITIONS

The following conditions are placed on the Shire of Wiluna Corporate Firearms Licence.

1. The licence entitles the Shire of Wiluna "to possess the firearms named and identified in that licence, together with ammunition, and therefore authorises the organisation to permit any of the Shires employees to possess, carry and use any such licensed firearm or ammunition:
 - (i) In the course of his or her employment generally as in that licence specified" in accordance with section 16(c) of the Act.

a Corporate Licence, which may be issued in the corporate or trading name of any bank, financial institution, Government department, State instrumentality or other organisation approved by the Commissioner and entitles that organisation to possess the firearms named and identified in that licence, together with ammunition therefor, and authorises that organisation to permit any person to whom subsection (2) applies to possess, carry and use any such firearm or ammunition either

- (i) on the premises of the organisation; or*
- (ii) in the course of carrying out a function approved by the Commissioner and authorised by that organisation, in accordance with the terms, restrictions limitations and condition applicable to that licence 16(c) Firearms Act 1973*

1.1 The purpose to be specified on the licence and the conditions under which it is issued are:

- (a) For use by authorised employees of the Shire of Wiluna in the course of their duties in the destruction of sick, strayed or unwanted dogs or other animals.
- (b) For Training purposes, so as the Shire of Wiluna Nominated person(s) shall maintain skills required so as the necessary destruction of sick, strayed or unwanted dogs or other animals is conducted as humanely as possible.
- (c) When carried in the Shire's vehicles the firearms are to be kept secured at all times.

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- (d) When not being used in the course of employment generally, the firearms are to be kept in strict security on the premises of the organisation.
- (e) The licensee will forthwith supply to the Police Firearms Branch a list containing the name, address and date of birth of all persons using the firearms and advise same of any future changes.
- (f) This licence, under the provisions of section 8(f) of the Act, precludes the necessity for the Shire of Wiluna employees to hold a licence for the Shire's firearms used for that purpose.

*No licence under this Act is required by a person who is the holder of a permit issued under this Act in relation to any matter authorised by that permit having a firearm or ammunition in his possession in preparation for, as a consequence of, or for use in, the performance of his duties;
8(f) Firearms Act 1973*

- (g) Section 31(2) of the Act requires "*the holder of a Corporate Firearms Licence to compile, maintain and furnish records in such a manner as is prescribed, all entries therein to be made at the time of the transaction to which they relate and any such record to be produced for inspection by any member of the Police Force on his request*".

Regulation 18(a) provides as follows:

"the holder of a Corporate Licence shall, in a permanent and legible manner, maintain a record in a form approved by the Commissioner showing particulars of the firearms and ammunition in the possession of each employee at any time, the name and place of residence of the employees in such possession, and, where the firearm is carried elsewhere than on the premises of the organisation, the purposes and places where the employee is authorised by the organisation to carry the firearm

It will be sufficient compliance with the regulations for the Shire of Wiluna to keep the required particulars in a book drawn up and set aside for that purpose.

Under section 21(2) of the Act, "*a person, whether or not the holder of that licence, permit or approval, who commits a breach of, or fails to observe, a restriction, limitation or condition to which a licence, permit or approval issued or granted under this Act was made subject, and who is a person who ought reasonably to have known of the existence of that restriction, limitation or condition, commits an offence*"

Additional firearms required may be added to the Corporate Firearms Licence upon application to a Police Station and, where necessary, referred to Firearms Branch for consideration of approval. The Shire of Wiluna is to advise this branch in writing of the disposal of any of the firearms so that the schedule of firearms can be updated.

FIREARM STORAGE AND SECURITY REQUIREMENTS

Firearms Regulations -

Storage security requirements

- (1) A person entitled to possess firearms or ammunition of any kind is to ensure that the firearms or ammunition are stored in accordance with firearms regulations.

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- (2) Firearms and ammunition are to be stored in a locked cabinet or container that at least meets the specifications described in Schedule 4 of the Firearms Act 1973 or in such other way as is approved.
- (3) A cabinet or container that can be unlocked with a key is to be regarded as unlocked if the key is left in the lock or is otherwise accessible where the cabinet or container is located.
- (4) A magazine is not to contain any ammunition when it is stored.
- (5) Ammunition is not to be stored in a cabinet or container in which a firearm is stored unless the ammunition is in another locked metal container in which no firearm is stored, and which is securely affixed so as to prevent its removal from the cabinet or container.
- (6) Under no circumstances should propellant that is not incorporated in a cartridge is not to be stored, whether or not it is in another container, in a container or cabinet that contains any ammunition, firearm, or primer.
- (7) Under no circumstances should any firearm be transported when it is loaded with ammunition.
- (8) Ammunition should be transported in its box and be secured. Ammunition must not be transported in a magazine that can be fitted in a firearm.
- (9) Vehicles should not be considered a secure option for storage of firearms. Under no circumstances should any vehicle carrying firearms be left unattended.
- (10) The requirements of this regulation are in addition to, not instead of, any requirements under the Dangerous Goods Safety Act 2004

OTHER REQUIREMENTS

Firearms, if mishandled, can result in serious injury or death. Under no circumstances should any unauthorised person(s) handle firearms or ammunition. Any conduct, deemed inappropriate by the CEO with regard to firearms or ammunition will result in serious disciplinary action, including termination of employment.

Document Control	
Responsible Directorate	Office of the CEO
Relevant Section	Corporate
Legislative Requirement	
Council Meeting Held & Adopted, Resolution #	11 October 2017 139/17
Amendments, Date & Resolution #	
Review Dates & Resolution #	
Next Review Date	